

Ombudsman Manitoba

Seventeenth Annual
Report of the

OMBUDSMAN

For the period
January 1st, 1986 -
December 31st, 1986

Presented to the Legislature pursuant
to Section 42 of The Ombudsman Act

Ombudsman Manitoba

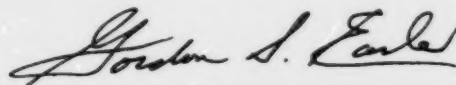
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*The Honourable Myrna Phillips
Speaker of the Legislative Assembly
Province of Manitoba*

Dear Madame Speaker:

*In accordance with Section 42 of The Ombudsman Act, I am pleased
to submit the seventeenth Annual Report of the Ombudsman for the calendar
year January 1, 1986 to December 31, 1986.*

Yours very truly,



GORDON S. EARLE
OMBUDSMAN

Table of Contents

TITLE	PAGE
Introduction	7
An Update on Staff	7
Investigator (Children's Concerns)	8
Report on The Manitoba Developmental Centre	11
Public Relations	12
The Canadian Ombudsman Conference	24
Freedom of Information	24
Complaint Statistics	25
Cases Brought Forward from Previous Year	25
Disposition of 1986 Complaints	28
Complaints Attributed to each Department or Category	30
Complaints by the Year	31
Sources of Complaints	32
Selected Case Summaries	33
Cases Involving Children	33
Other Cases	39
Complete List of Complaints	52
The Ombudsman Act	79

Introduction

Slow but steady is a phrase which perhaps best describes the work of the Ombudsman's Office during 1986. During the past year there was a slow down in the number of complaints presented to the Ombudsman resulting in one hundred and eighty-four fewer formal complaints than in the previous year. This decrease in complaints, however, enabled our office to make a serious dent in the backlog of three hundred and sixty-three cases carried over from earlier years.

In sharp contrast to the decrease in the number of complaints is the increase in complexity of the issues presented for investigation. Whereas years ago people were reluctant to complain openly about matters affecting their lives, and particularly about people in positions of authority, nowadays people will complain about anything from the kitchen sink to the kind of treatment received at the hands of a doctor, lawyer, judge — and sometimes even an ombudsman.

Because of the complex nature of complaints and the determination of individuals to utilize every avenue available to them to resolve their problems, including media coverage, each investigation conducted by the Ombudsman's Office must be very thorough leaving no stone unturned in the quest to uncover what actually transpired in each case. This is by no means an easy task and we are finding ourselves faced more and more with very time consuming investigations, and sometimes very impatient complainants. Also we find government departments and agencies, if not resisting jurisdiction, at least questioning jurisdiction and seeking clarification of our role and authority as our investigations enter into previously uncharted courses. However, I should indicate that our investigators have been very professional and conscientious in their task; complainants for the most part have been very patient; and respondents (departments and agencies) have been quite understanding and accepting of our role, once explained — all to the end result that we have been able to continue to provide a high quality level of service to the public. The year 1986 has been particularly satisfying in that regard with many of our suggestions and recommendations being accepted by provincial departments, agencies and institutions, thereby providing appropriate remedies for many who found themselves confronting problems involving the administrative bureaucracy of the Province of Manitoba.

An Update on Staff

I mentioned in my 1985 Annual Report that two investigator positions were added to our staff complement giving us a total of six investigators and, including the Ombudsman, an overall total of eleven people in the office. During 1986 we had one administrative support

position approved to give us a total of twelve positions. When I assumed office in September 1982, the total number of people in the office, including the Ombudsman, was six. While the additional administrative support position was approved in 1986, the approval was for the position to be filled in the 1987-88 fiscal year. Hence at the time of writing this report the position was not filled.

During 1986 some staff changes occurred which altered the format of our team and also tended to negate somewhat the effect of the additional staff positions added in 1985. Firstly, our two administrative secretaries, Karen Sacher and Lorna Bardarson, who had both been with the office a number of years, resigned to pursue other employment opportunities within the provincial civil service.

Karen, who had been with the office since 1979, moved on to become an Administrative Secretary with the Superintendent of Insurance Branch of the Department of Consumer and Corporate Affairs. Lorna, who started with our office in 1980, became an Administrative Secretary in the Communications and Community Relations Division of the Department of Energy and Mines. We wish both Karen and Lorna well in their new positions.

Claire Lanouette, who had been appointed to the new position of Office Manager in November 1985, also left our office in December 1986 as a result of her husband receiving an employment transfer to Toronto, Ontario. We thank Claire for the excellent work she performed as Intake Officer and supervisor of the administrative support team, and we wish Claire and her husband well in their new endeavours.

As well as changes in the administrative support section of our office, 1986 saw some changes in the investigative unit. Beverly J. Rayburn, who had joined our staff in the fall of 1983, was appointed a member of the Immigration Appeal Board, Government of Canada. We wish Beverly success as she pursues a career with the federal government. As well, during the year our most senior Investigator, Max Regiedzinski, who had served the office faithfully since its inception, retired to move to British Columbia where members of his family reside. We wish Max well in his retirement and thank him for many years of devoted service to the Office of the Ombudsman.

Joining our team in May 1986 were secretaries Marie Reidke and Lydia Shirliffe. Lydia remained with us until December 1986 when she accepted an administrative secretarial position with the Manitoba Civil Service Commission. Marie has remained with the office to become our Word Processing/Data Processing Supervisor. Part-time administrative support staff during the year were Sandra Cockerill, Secretary; Christine Knight, Secretary; Leslie Walters, Word Processor Operator; and Helen Kroeker, Secretary/Intake Receptionist. At the time of writing this report, Helen had become a permanent staff member.

To complement our work during 1986, we were fortunate to be able to have some special projects undertaken. As a part of the Manitoba Youth Volunteers in Government Program (operated by Employment Development and Youth Services of Manitoba Employment Services and Economic Security) we were able to secure the services of two people who were of great help to us with the internal organization of our office. Sarah Cote worked as a Library Technician with our office, for about four months, organizing and categorizing the various books, publications and reports in our library. Linda Tuchiowsky volunteered her services over an eight month period as a Reference/Referral Manual Organizer producing a referral manual which has been of great help to our office as we attempt to provide information and assistance to people. We sincerely thank Sarah and Linda for their many hours of volunteer service which has yielded a substantial benefit to our office and the people of Manitoba.

Another project during 1986 which was important to us was one that was made possible by the Student Temporary Employment Program (STEP) operated through Employment Development and Youth Services of Manitoba Employment Services and Economic Security. The goal of STEP is to provide meaningful employment to Manitoba secondary and post-secondary students who are planning to continue their education by placing these students in career-related fields thereby providing much needed practical work experience. Through this program our office was able to obtain the services of Arpita Gupta, a second year law student, to undertake a project organizing a reference system, cataloguing and cross-indexing recommendations and legal opinions which have accumulated over the years our office has been in operation. This information is of immense importance to our office from the point of view of providing consistency in our operation as we deal with problems which may from time to time repeat themselves, as well as from the point of view of monitoring the progress departments have made in implementing and maintaining the implementation of recommendations made by our office. Arpita made an excellent start on this project organizing a data base for our years of operation from 1970 to 1984. We hope to be able to continue this project and bring the data up to date in 1987, at which time the information hopefully will be computerized and made available for instant retrieval. We extend our thanks to Arpita for a job well done and we wish her success as she pursues her career in law.

At the time of writing this report the staff of the Ombudsman's Office are as follows:

Assistant Ombudsman	Barry E. Tuckett
Investigator (Children's Concerns)	Donna M. Drever
Investigators	Douglas B. Adlard
	E. Joy Goertzen
	Kris Ramchandar
	Raymond J. Wahl

Office Manager
Word Processing Supervisor
Secretary/Intake Receptionist
Administrative Secretary
(Temporary)
Summer Student (STEP)

Johanne B. Cayer
Marie E. Reidke
Helen Kroecker
Christine W. Knight
Jonas G. Dubas

Investigator (Children's Concerns)

In my 1985 Annual Report, I presented an update with respect to the role of my office in dealing with children's concerns which were brought to our attention. The Investigator (Children's Concerns) has been designated to:

1. investigate complaints involving children;
2. monitor provincial agencies and institutions that deal with children; and
3. conduct a public education and public relations program to make the general public, and children in particular, aware of our services for children.

Over the past year the Investigator for Children's Concerns has been kept busy handling direct telephone inquiries from concerned parents and the public regarding issues affecting children; conducting investigations; monitoring situations which have been initiated on the Ombudsman's own initiative; as well as attempting to keep abreast of current developments in the field of child abuse and other issues relevant to services for children and their families.

Unfortunately, due to the work load, the Investigator (Children's Concerns) has not been able to fully develop a public education and public relations program. However, this is a continuing objective for 1987. Over the past year she was able to respond to specific requests which included being the guest speaker at the Annual General Meeting of the Morden Resource Centre; addressing the Council of Child Care Agencies; and we were both pleased to be invited to attend a seminar with the Ombudsman's Office of Saskatchewan to discuss the investigation of children's issues. As well, informal public education and public relations are ongoing in the daily contacts with the public as well as professionals dealing in the child care field.

Also because of the work load and time constraints, a regular process for monitoring provincial agencies and institutions that deal with children has not been formalized. Response has been on a case-by-case basis and the Investigator has been out to the Manitoba Youth Centre, the Agassiz Youth Centre and has had extensive involvement with the Manitoba Developmental Centre.

In last year's Annual Report, I also discussed our role vis-a-vis that of the Director of Child and Family Services, Department of Community Services, particularly in light of the new legislation, **The Child and Family Services Act**. Over the past year we have referred more complaints relating to child and family services agencies over

to the Directorate for review. We have remained available to the complainants in those cases should they express dissatisfaction to the response or review by the Directorate. Discussions with the Director of Child and Family Services have been ongoing with respect to our respective roles and expectations.

An overview of the types of complaints that have been received by our office which relate specifically to child and family services agencies include concerns over the apprehension of children by the mandated agencies; concerns over the care received by children after apprehension; issues relating to the access or denial of visiting rights to children in care; dissatisfaction with the assistance or services received from child and family services agencies; concerns regarding investigation into allegations of child abuse; concerns related to children in foster care; concerns of unfair treatment by agencies or workers; and concerns relating to adoptions.

Generally, we have received good co-operation from the community-based child and family services agencies and the regional offices of Community Services which deliver child and family services. However, we did receive one jurisdictional challenge regarding the issue of access to agency files.

The jurisdictional question arose out of a complaint we were reviewing directly with the agency after we had received a complaint from a mother regarding the manner in which the agency had handled the apprehension of her daughter following allegations of sexual abuse against the mother's common-law husband. Concerns around treatment and intervention by the agency had also been raised.

The agency responded to our request for information on their involvement with this family by providing us with a written report. Following receipt of the report, the Investigator met with the social worker to discuss their involvement and report in more detail. A request was also made to review the agency's file.

Initially a question was raised as to whether or not we should have access to the file for review but this was clarified and a cursory review of the file was made by the Investigator. A request was then made for some file documentation. Although there is absolutely no question on our part as to our right to request documentation, the Child and Family Services worker was unsure of her authority to release the information. The Investigator appreciated the worker's position and suggested she discuss it with her Executive Director and forward the requested copies at a later date. I subsequently received a letter from the Executive Director of the agency. The Executive Director advised that they were presently formulating policy with respect to confidentiality and felt it would be helpful if I could share any legal enactment or legislation which governed our respective offices with regard to access of client files. The Executive Director stated that they did not really know who had legal access and who did not within government and affiliated agencies.

I responded to the Executive Director's letter and made specific reference to Section 30(1) and Section 32(2) of The Ombudsman Act. (Please refer to The Ombudsman Act at the back of this Annual Report.) I also acknowledged his concerns with respect to confidentiality and made the assurance that any information received by our office is treated with the utmost discretion and respect. Our investigations are conducted in private, our staff takes an Oath of Office and they will not, except as provided under The Ombudsman Act, divulge any information received; and the Ombudsman only discloses what he considers necessary in order to establish grounds for his conclusions and recommendations.

I then received a response from the agency's solicitor. The position presented by the solicitor was that the child and family services agency was not subject to The Ombudsman Act. Although it was reported that the agency wanted to work in a co-operative and collegial way with our office, our understanding through the agency's solicitor was that we would not be given access to the requested files. In order not to unduly delay the investigation, by going through a court battle which we felt certain we would win, the complaint was referred over to the Director of Child and Family Services for completion of the review.

The Executive Director of the agency later contacted our Investigator to obtain clarification on the status of the case. It was explained that it was our understanding through their solicitor that access to the files was being denied. The Executive Director indicated that he felt there may have been some miscommunication and that the intent had been only that the jurisdictional question might need to be addressed, however, they would continue on a case-by-case basis to provide us with the information and access to files.

However, I must make it abundantly clear that it is the decision of the Ombudsman and not that of a department or agency as to what files and documentation will be reviewed for the purposes of our investigation. I would also point out that copies of departmental or agency files or documents are only requested when necessary for the purpose of assisting us in a comprehensive review of a complaint.

From time to time, when reviewing a case, my Investigator is asked by either the Director of the agency or workers as to why some questions may be asked, if they do not appear to relate specifically to the complaint. I feel it is important to mention that when we become involved in reviewing an act, decision, or omission of a department or agency, the specific complaint cannot necessarily be reviewed in isolation. As a result, other factors or issues may come to our attention which we feel require comment. For example, arising out of one review, we were concerned about the use, by workers, of "crib notes" which were not retained on file. We were also concerned over the gaps in information on the departmental file.

While it is not my office's job to set the guidelines and standards for child caring agencies, we will point out when we feel that guidelines or standards need to be established. In this particular situation we discussed our concerns directly with the office involved.

In our concluding report to the Department, the Investigator stated that we felt there should be a consistent file recording system in place, with clear procedures and expectations for workers as to the standards which must be met. It is our opinion that recordings should reflect accurate data and information to provide a clear and comprehensive picture of what services a family may need, what services are being provided, and the effectiveness of the intervention so that re-evaluation of strategies can be considered if necessary. We also outlined some examples of file information we would consider relevant to the intake or referral, file recording and the closing or transfer summary.

Our comments were also copied to the Director of Child and Family Services. The regional office involved subsequently advised us that our comments had been shared with staff and were appreciated. The Director of Child and Family Services informed our office that the concerns with respect to the content, format and frequency of case recording were noted and would be included in their development of a Child and Family Services Standards Manual.

We were pleased with the responses and the fact that they were received as intended, in a constructive fashion. Our objective is not to criticize nor condemn agencies. However, we have a job to do and in doing that job areas of concern may be identified with respect to how a particular case has been managed, or other issues may come to our attention. We provide the agency with an opportunity to respond to our reports and to offer clarification or explanation for their actions. We have an equal responsibility to advise complainants if an agency has fulfilled its mandate in a professional and responsible manner.

Agencies must be held accountable for their decisions and actions. We would hope that agencies are receptive to recommendations, comments or suggestions that are made as a result of an objective, impartial review by our office. Recommendations are not made lightly and if we identify areas of concern our objective is only to ensure a high standard and quality of service delivery to children and their families.

We recognize that when delivering services in the child welfare field, workers and agencies are often faced with very difficult, challenging and complex cases. It is also a highly sensitive field which is often under scrutiny by the public and the media. A delicate balance must be struck between the rights of the child and those of the parent or guardian. It is for precisely these reasons that intervention with families must be done in a planned and coordinated manner. Decisions affecting children and their

families must stem from a sound knowledge base with an understanding of the implications on the total family system as well as society at large. Workers are faced daily with making independent decisions in the field. While they must be held accountable for their decisions, they should be supported by clear agency directives and guidelines; sufficient resources; training opportunities to develop their skill level; and the opportunity to receive supervision and direction.

While insufficient resources, overwhelming caseloads, and untrained staff may be real dilemmas facing the various agencies and regional offices in the delivery of quality service, it is my opinion that such factors should not be considered sufficient excuses for deficiencies in service delivery, particularly where children are potentially at risk. Whether it be through the agencies or through the Directorate of Child and Family Support, standards for quality service delivery must be clearly defined and these standards must be rigorously applied. This will benefit all — the children and their families who require intervention, counselling, and treatment; as well as the agencies and their workers who are charged with the difficult task of delivering those services.

In my 1983 Annual Report, I had included a case summary on the Ombudsman's report re child abuse. This particular investigation had been requested by the Minister of Community Services in relation to an agency's handling of a child abuse case.

At the conclusion of my investigation I submitted five recommendations to the Minister in February, 1984. No specific recommendations had been made regarding the particular case itself but recommendations were made pertaining to my review of the legal and professional practices of child abuse reporting in general.

In August, 1986 I wrote to the Minister of Community Services and advised her that in light of some of the issues the Investigator (Children's Concerns) had been looking at, and in light of the re-organization of the child welfare system in Winnipeg, as well as in light of some of the resurgent allegations in the media concerning child abuse recording, I felt the time was appropriate to review in detail what had been done in respect to the implementation of the recommendations I had made in 1984. The Investigator for Children's Concerns followed up directly with the Director of Child and Family Services and the Provincial Program Coordinator for Child Abuse on this issue. I also received a formal response from the Minister of Community Services.

The Minister advised of the following developments which have transpired since my report and recommendations:

1. The proclamation of the new **Child and Family Services Act**, on March 1, 1986, with a number of key sections related to child abuse.

2. The proclamation on April 13, 1984 of the **Manitoba Guidelines on Identifying and Reporting Child Abuse**. It was also reported that these guidelines had been under further review and were being updated by the Provincial Advisory Committee on Child Abuse.
3. The review and Final Report of the **Recommendations of the Review of the Provincial Child Abuse Registry**.
4. In the process of undertaking the review of the Registry and in response to issues merging around decision making for high-risk and abuse cases, **Directive No. 34** was put in place June, 1986, providing clear direction for agency responsibility and accountability along a specific process for dispute resolution.
5. Two additional staff persons were allocated to the child abuse program for the purpose of developing and implementing a comprehensive training program in child abuse. Individuals in these positions were involved in drafting a series of formal training modules to augment the training/in-services work already being carried out by the Directorate.

It was also noted that the Department was exploring an interim computer hook-up to facilitate more effective and efficient information sharing through the use of the Provincial Child Abuse Registry.

In addition, a draft of **Protocols for Social Workers** in dealing with physical abuse and a draft of sexual abuse protocols were being circulated for feedback. Revisions to the **Teachers Protocols** and **Physicians Protocols** were near completion. Publication of a new **Nurses Protocols** were to be published shortly with new protocols also being completed in residential care and for foster parents along with new general guidelines for the community focussing on treatment, prevention and working together. In addition, when the Minister responded to my inquiries the interim report on the **External Review into Matters Relating to the System of Dealing With Child Abuse in Winnipeg** had just been released. The final report of the Review Committee had not been released at the time of the writing of my Annual Report.

I trust that these initiatives will assist in ensuring an effective program and service delivery system. I would also expect that the continuing development of the manual, protocols, regulations and guidelines continue as expeditiously as possible.

The Investigator (Children's Concerns) does not only deal with complaints against child and family service agencies. She is also responsible for investigating complaints which may involve the Department of Education; Probation Services; detention or treatment centres for children; the Provincial Day Care Office; Family Dispute Services; some Economic Security issues; and any other issues which touch upon the lives of children and/or their families. Included in this Annual Report are some selected case summaries involving children.

Report on The Manitoba Developmental Centre

Although the following report was not actually completed until April 1987, I am able (because of the late writing of this Annual Report) to include it in this current report, and I am doing so because of the fact that the major portion of the work on this case was done during 1986, and also because of the degree of public interest expressed concerning this report. To leave this matter unrecorded until the 1987 Annual Report (which would not be published until sometime in 1988) would not be in the best interest of the public nor the government department involved. The pages which follow will be a reproduction of the statement I made public by way of a news release on April 23, 1987, as well as a reproduction of a commentary by the Department of Community Services regarding my report on The Manitoba Developmental Centre. Whereas this matter has received ample publicity, I shall not comment further here except to reiterate my commitment to continue to monitor the implementation of the recommendations made in this case, and I shall probably report further on the subject in my next Annual Report.

News Release
April 23, 1987 – 10:00 a.m.

**Summary of The Ombudsman's Report
on
The Manitoba Developmental Centre**

Introduction

On September 23, 1985, a resident who had lived at The Manitoba Developmental Centre for thirty years, was noted to be ill by nursing staff of the Roselea Residence in the Southgrove Building. The resident received medical attention at the Centre but his condition worsened and he was transferred to the Portage General Hospital on September 24, 1985. The resident was in serious condition and required emergency surgery that evening.

It was reported that the only cause that would reasonably explain the findings at surgery was trauma to the upper abdomen. An internal investigation was conducted at The Manitoba Developmental Centre but it did not disclose any definite cause to explain the injury the resident had sustained.

The resident's parents were very concerned by the incident. Under date of October 29, 1985, the Minister of Community Services, the Honourable Muriel Smith, requested that the Ombudsman's Office conduct an investigation into the incident in which a resident was injured. This request was received by our office on October 30, 1985.

The Ombudsman determined that it would be appropriate to refer this matter to the police for a criminal investigation. On the same date, we contacted the Royal Canadian Mounted Police Detachment in Portage la Prairie, by telephone, to report the matter. On November 6, 1985, a letter from the Ombudsman was delivered to the Commanding Officer, Royal Canadian Mounted Police, Winnipeg Detachment, requesting they investigate the possibility of assault. The Minister of Community Services; Deputy Minister of Community Services; and Executive Director, Operations, Community Services, were also notified.

The investigation by the Ombudsman's Office was held in abeyance until such time as the R.C.M.P. had completed their investigation. We also maintained contact with the R.C.M.P. during the course of their investigation.

On April 1, 1986, the Ombudsman was advised by the R.C.M.P. that their investigation was completed. They were unable to establish that any person was responsible for the injury received by the resident or how the injury was sustained. The R.C.M.P. file was closed and no criminal charges were laid. After receiving notification as to the outcome of the R.C.M.P. investigation, our review proceeded.

The Manitoba Developmental Centre had been the subject of public and media scrutiny during 1985 and 1986. Not only did the incident involving the injured resident receive extensive media coverage, but issues pertaining to fire safety, overcrowding, and the closure of the Northgrove Building were either reported in the media, dis-

cussed in the Legislature, or brought to the attention of our office. The Ombudsman also received a formal complaint from a teacher at The Manitoba Developmental Centre alleging that children at the Centre were "being denied their rights to an appropriate and equivalent education" by the administration at the Centre and the Department of Community Services. This particular issue was presented to our office in December, 1986.

As a result of the concerns being raised publicly and the issues emerging as a result of our initial investigation, our review extended beyond simply looking at the circumstances surrounding the resident's injury. Our investigation and report dealt with: 1) The injured resident's situation; 2) Programs and staffing; and 3) The facility and environmental issues. During the course of our investigation, The Manitoba Developmental Centre was toured and reports, files and documentation pertaining to the issues were reviewed and we interviewed numerous senior management and staff.

I would like to extend my sincere appreciation for the co-operation which was extended by the management and staff of The Manitoba Developmental Centre during the course of this very time consuming investigation. On the whole, I felt that the senior personnel and the staff at The Manitoba Developmental Centre demonstrated a genuine commitment to the residents and shared information and documentation with a common goal of achieving the highest quality of care and standard of living for the people under their charge.

Conclusions and Recommendations

Our review led me to conclude that the current situation at The Manitoba Developmental Centre is a less than desirable one for the residents. There was evidence to suggest that the standard of care at the Centre has been a long standing issue which is only recently coming before public scrutiny.

A review of the statistics compiled by The Manitoba Developmental Centre between 1984 and 1986 indicated that, even with the decreasing resident population, there was a yearly increase in the number of reported incidents and injuries to residents. It was also noted that many of the incidents involving residents had unexplained causes.

Our review suggested that the specific injury to the resident which had initiated the review by our office, was only one of a number of unexplained occurrences at The Manitoba Developmental Centre. **Our review has led me to believe that the injury sustained by the resident has a direct correlation to the staffing level at The Manitoba Developmental Centre.**

Our review has also led us to believe that there was basis to be seriously concerned over the lack of programming and training opportunities available to the residents at The

Manitoba Developmental Centre. We felt that there was a question as to whether the staffing pattern allowed for more than basic custodial care of the residents with little or no time for behaviour management, development of independent skill levels, and social interaction. We were concerned over the adequacy of the staffing level in the pharmacy at the Centre. We also dealt with concerns related to the use of psychoactive drugs on the residents.

Regarding the physical environment, we felt some of the living areas for the residents were very congested and that on many units there was lack of environmental stimulation. We recognize that some of the less desirable physical characteristics were as a direct result of the architecture and structure of the buildings. Nevertheless, it appeared that some improvements could be made to the physical environment through maintenance and cosmetic upgrading.

Regarding the issue of fire safety in the Northgrove Building, in view of the Government's decision to close and eventually demolish the building, I was without grounds to recommend that major renovations or installation of the full fire safety equipment should be undertaken. We had monitored the situation and confirmed that the interim safety measures recommended by the Fire Commissioner's Office were instituted.

The individuals who live at The Manitoba Developmental Centre are a very special part of our community. They are also a particularly vulnerable group as the majority do not have the capacity to speak out for themselves. Many of them are "forgotten souls" who either do not have family or whose families have, for their own special reasons, chosen not to maintain contact or remain involved with them. As a result, many cannot represent themselves and may not have anyone to speak out on their behalf. The Manitoba Developmental Centre becomes their home, and the staff and residents their family.

These individuals deserve to live as comfortably as possible and to have their dignity and self-respect maintained. They deserve the right to develop as far as their capabilities allow and to be maintained at that level.

Based upon our observations, the information received and the documentation and statistics reviewed, the following conclusions were reached:

That the residents of The Manitoba Developmental Centre are entitled to a continuum of training, education, social and recreational experiences compatible with the level of their ability.

The staffing issues at The Manitoba Developmental Centre impact significantly on the social, psychological, educational and physical well-being of the residents at The Manitoba Developmental Centre.

Due to the limits of available resources, The Manitoba Developmental Centre does not fulfill its stated mission "to assist clients to attain the highest developmental level possible".

There are reasonable grounds to conclude that the Centre is unable to meet its stated objectives relating to standards; physical care; training and education.

There are physical aspects of the environment at The Manitoba Developmental Centre which require attention and upgrading.

There is not an adequate air conditioning system at The Manitoba Developmental Centre to facilitate the comfort, health and well-being of the residents.

While the new recreation centre which is currently under construction at The Manitoba Developmental Centre will be an asset for the residents, it would not appear to alleviate all the concerns over lack of adequate programming and activities.

That any deficiencies at The Manitoba Developmental Centre are primarily as a result of limited resources and not reflective of lack of compassion, care and concern on the part of the majority of the staff and management of The Manitoba Developmental Centre.

The administration of The Manitoba Developmental Centre has submitted a Human Resource Plan to the Provincial Government outlining their staffing needs. Reportedly, the objective of the Human Resource Plan is to gain support in achieving more than a minimum standard for the residents at The Manitoba Developmental Centre. It has been reported that current staffing levels fall below the minimum level considered necessary by the administration of the Centre.

It appears that The Manitoba Developmental Centre is attempting to obtain sufficient staffing to provide a reasonable level of care for the residents. It also appears that the Human Resource Plan is supported by some independent reviews which have been done with respect to the staffing needs.

As a result of our investigation, on March 4, 1987 I respectfully recommended to the Minister responsible for The Manitoba Developmental Centre, the Honourable Muriel Smith, Minister of Community Services that:

- 1) **The concerns identified with respect to the social, recreational, physical and other program needs of the residents be addressed by the Department of Community Services;**

- 2) **The concerns raised with respect to the use of psychoactive drugs be addressed by the Department of Community Services;**
- 3) **Immediate steps be taken to ensure a safe medication system for the residents of the Manitoba Developmental Centre;**
- 4) **Before further reductions in the current staffing complement take place, it be determined that the safety and well-being of the residents will not be jeopardized;**
- 5) **All residents at The Manitoba Developmental Centre, up to and including 21 years of age, be given the opportunity to attend a full time educational program unless reasons of infirmity or fragility do not make it possible;**
- 6) **If there is a question as to whether the residents over 18 years of age are entitled to attend the school program on a full time basis, the Department of Education determine the question as to whether the spirit and intent of The Public Schools Act are being met;**
- 7) **The teachers at the school file incident reports on all residents who attend school with an injury; and**
- 8) **Immediate steps be taken to assess the air conditioning needs of the Centre and to take whatever action is necessary to ensure a safe and comfortable environment.**

Following submission of our report and recommendations to the Minister for consideration and response, meetings were held with the Minister and senior departmental officials to discuss the report, its conclusions, and recommendations. The Department then presented its response to our recommendations. (See attached documents.)

Having reviewed the Department's response, I agree with the Department that the concerns of The Manitoba Developmental Centre cannot be viewed in isolation from its historical context and the total provision of services for the mentally retarded. However, at the same time, I must emphasize that while comprehensive planning for the care of the mentally retarded has the stated goal of upgrading both institutional and community resources, it is important that the upgrading of community resources and the integration of residents into the community not detract from the greatly needed upgrading of institutional resources for those residents remaining at The Manitoba Developmental Centre. While the Welcome Home Initiative, as stated in the Department's response to our report, does appear to present the proper blend of upgrading both institutional and community resources, I believe the Department of Community Services must

monitor its program closely to ensure that the stated goals are actually met and that the much needed improvements at The Manitoba Developmental Centre are realized.

Our investigation found the staff-to-resident ratio to be a very serious matter for The Manitoba Developmental Centre impacting significantly on the social, psychological, educational and physical well-being of the residents.

The Department, in its response, indicates that the Welcome Home Initiative will increase staff-to-resident ratio during the process of downsizing The Manitoba Developmental Centre. The Department shows 621 residents and 643 staff for 1987 to give a resident/staff ratio of 1/1.04, that is about one staff person for every resident at the Centre. However, it must be remembered that the staff at the Centre work in shifts and that not all staff would be present at any one time. Given shift work, this would mean that approximately one third, or even less, of the 643 staff members would be present at one time to care for 621 residents which would give a much different resident/staff ratio. Even here, we must remember that not all the staff would be involved in direct care or supervision of the residents, as the staff figure would include administrative, clerical, housekeeping personnel, as well as the allocation of 44 staff years for contingency positions.

During our investigation it came to our attention that in many units, nursing personnel must also assume responsibilities in the areas of housekeeping and food services. This, we feel, is a direct result of an inadequate resident/staff ratio.

Our investigation tended to support that the inability to account for accidents at The Manitoba Developmental Centre was partially attributed to the unsatisfactory staff ratios. While acknowledging that ratios are increasing, the present level is not satisfactory in my opinion.

Hence we are pleased to note in the Department's response to our recommendation re the current staffing complement the comment that "the Human Resource Plan would add additional staffing and is under active consideration".

After having given due consideration to the Department's response to my report and recommendations, I am satisfied that appropriate action relevant to my recommendations has taken place, or is taking place and I feel that this matter may be moving toward a successful conclusion. The public scrutiny which this situation has received, and likely will continue to receive, has served to heighten an awareness of the needs of an often forgotten, yet very important, segment of our population.

Although the Ombudsman's investigation of this matter is completed, I shall continue to monitor the implementation of the recommendations made in this case.

Departmental Commentary on Draft Report of The Ombudsman on The Manitoba Developmental Centre

Comprehensive planning for the care of the mentally retarded has been an area which has long been neglected. There was no overall plan for improving the quality of life of the mentally retarded, prior to the government's current initiative, called Welcome Home. This plan has involved the upgrading of both institutional and community resources for the retarded. It is within this context that developments at The Manitoba Developmental Centre must be viewed.

The Welcome Home Initiative has three parts:

1. The downsizing of the institutional population by 220. This will be accomplished by approximately July 1st, 1987, at which time a further group of 30 institutional residents will become eligible for community living in fiscal year 1987/88. This will leave 550 residents at MDC by April 1, 1988.
2. The improvement of conditions at The Manitoba Developmental Centre through the following initiatives:
 - a) Close the most barrack like buildings for residential use, Northgrove (accomplished). Close Northgrove for day use when recreational building opens approximately June 1st, 1987.
 - b) Build a new activities building to provide expanded social, recreational and day programs. To be in use by June 1st, 1987.
 - c) Increase staff-to-resident ratio during the process of downsizing.
 - d) Encourage more participation in the Centre by various professional groups (ie. doctors, psychiatrists, ophthalmologists, etc.)
 - e) Create more space in areas where space resident ratios are lower by further placements in the community.
3. Drastically reduce institutional admissions through support of families and community groups to support retarded persons who live in the community but are "at risk" of institutional placement. Some 300 families have been assisted in 86-87 through this "at risk" program.

The Manitoba Developmental Centre is part of a service continuum which is in the process of being upgraded. While more of the money could have been spent on upgrading the institution at its then current population, the decision was made to emphasize the downsizing of the institution in the first phase (which ends June of 1987 with the reduction of 220 residents) as part of an overall

plan for improvement of services to all the mentally handicapped in Manitoba, not just those then in MDC.

As part of the process of Welcome Home the institution has been substantially upgraded and become part of the social service community. Walks through The Manitoba Developmental Centre from 1982 to 1986 showed a great improvement in the general atmosphere of the Centre. In 1982 the staff were isolated and defensive of the larger social service community and uncertain of support for their work. Since 1982 they have more fully entered the mainstream with all the attendant costs and pains of growth.

While all the resources expended for Welcome Home could have been spent for increased staffing and the rebuilding of The Manitoba Developmental Centre, such a decision would have denied all of the 220 persons who are now living or are about to live in their home communities this experience. It would have left the Portage la Prairie area with an institution of 800 residents, seldom visited by relatives, with insufficient community volunteers to "make a difference", and disconnected from community friends and advocates. The policy decision therefore appears very reasonable in that the lives of both those at The Manitoba Developmental Centre and those in the community have been improved as a result of these policy decisions.

Concerns regarding general staffing ratios:

Staffing concerns are being addressed in two ways:

1. Resident to staff ratios have improved steadily over the Welcome Home Process, viz:

Year	Residents	Staff	Resident / Staff Ratio
1983	823	744	1/.90
1984	787	725	1/.92
1985	762	713	1/.93*
1986	730	679	1/.93
1987	621	643	1/1.04**

*(institutional farm closed)

**This may vary during the year but 1/1.04 would be the lowest ratio.

2. A Human Resource Plan was completed in February, 1987, and is in the process of being submitted for approval as a basis for long-term planning. This plan would improve the resident to staff ratio to 1/1.08 in 1987 and gradually increase to 1/1.18 in 1990. The emphasis in the Human Resource Plan is on the increase of direct program delivery staff. This staffing plan is one which has been recommended by our staff based upon substantive research concerning basic requirements in each Department.

General Space Concerns

The policy for The Manitoba Developmental Centre has been to improve the safety and quality of life of all residents of the facility. Initial priority has been given to meeting fire-safety requirements of three of the Centre's Units (ie. Westgrove, Cottages and Southgrove). To this end, 5.5 million dollars have been expended. Respecting the fourth Unit, Northgrove, the policy has been to remove residents from this least desirable residential space through the accommodation of approximately 220 individuals in the community.

Additionally, parts of Southgrove have been upgraded for resident use which will by this summer allow for a reduction in the population in other Southgrove wards.

Further, construction is nearly completed of a multi-purpose activity building which will allow for a consolidation of day programs into one facility, thereby increasing the capacity to address many of the day program needs of more of the Centre's residents. The use of this facility will also provide a needed alternative to the day time space requirements currently experienced in the Centre's resident living area.

Additional parts of The Manitoba Developmental Centre also require upgrading, the process in place is a systematic combination of community placements of eligible residents combined with physical upgrading of The Manitoba Developmental Centre.

Appropriately, first priority has been placed on addressing the safety requirements of The Manitoba Developmental Centre's facilities. To this end Northgrove has been vacated and the other buildings upgraded for safety. Attention will continue to focus on the qualitative aspects of the residential accommodations and program facilities. It must be recognized that decorating can only superficially offset the limitations imposed by the design and age of the facilities.

The total square footage of all operative facilities at the Centre is 165,095. The total dormitory and day space is 73,308 square feet. The current population is 620, yielding 118 square feet per person average.

The current square footage by building and ward is as follows:

Westgrove:	21,285 square feet
	187 residents
	114 square feet per resident average.
Eastgrove:	7,165 square feet
	40 residents
	179 square feet per resident average.
Cottage:	25,450 square feet
	196 residents
	130 square feet per resident average.

Southgrove: 19,408 square feet

197 residents

99 square feet per resident average.

Southgrove has the least desirable space per resident. The last 37 persons to be moved as part of the Northgrove closure will leave Southgrove June 30th, 1987. This reduction in resident population to 160 will provide 121 square feet of living space per resident. This means that all residents will have 120 square feet which is the nursing home standard.

Concerns with Respect to the Social, Recreational, Physical and other Program Needs of the Residents

The most important improvement concerning recreational, physical and program needs is the new multi-purpose activity building. This is the first major new building at MDC in approximately two decades. It will be opened June 1987. This facility will allow for a consolidation of some programs and staff (eg. the vocational training department/recreation department) permitting more effective utilization of resources and the participation of more residents than allowable in "satellite programs" currently in existence. Further, the Recreation Department will no longer have to depend on off-campus facilities "when they are available". Valuable program time required for transportation will be significantly reduced creating more recreational opportunity for the residents. The new Physical Activities building, reflecting an investment of well over 2 million dollars, will also provide appropriate space for family visiting.

Significant developments have occurred at The Manitoba Developmental Centre regarding training techniques and innovative programs to promote skill acquisition and address the programmatic needs of the residents. However, it has also been recognized that the Centre has not been able to address all the program or activity needs of all the residents.

The staff at the Centre have assumed a responsible orientation towards objectively reviewing this issue in the development and implementation of a needs survey. However, it must be recognized that the needs survey identifies all the program or clinical needs or deficiencies for an individual from the perspective of the staff. It does not itself present a prioritization of these needs for a person. Thus, in many instances it is possible that priority needs of an individual are in fact being addressed, while other needs may be in a pending status. It is recognized professional practice to address individual learning needs in a systematic prioritized manner.

School Department

The school program at The Manitoba Developmental Centre has undergone a considerable strengthening in the last decade with increasing number of individuals us-

ing the service. Further, more lower functioning individuals have been provided with the opportunity for school program participation.

Currently all residents under 21 years have a school or vocational training program. We have asked Manitoba Education for an assessment of the program to establish equivalency to community standards. Thus the equivalency of program options such as vocational training or other sessions conducted by departments of Psychology, or Speech and Communications is currently being assessed and may impact on the assessment of the school age populations program opportunity. We would have preferred to transfer the school to the Portage School Division, but this has not been possible to date, partly because of the uncertainty about the number of potential students.

Incidents of Resident Injury

The reporting policies in effect at the Centre are intended to capture the broadest range of incidents. Supported by further detail, collation and analysis, this information permits Centre staff and management to identify potentially hazardous and repetitive situations and to take remedial action.

The Department acknowledges the reality that congregating of any population, but particularly this population creates special problems. Persons with behavioral problems, poor communication skills, and adaptive behavior deficits often communicate directly by behavior. The interaction of these individuals with each other compounds the difficulty. In addition, many individuals are unsteady on their feet, frail, and subject to seizures. This is an undesirable fact of institutional life: personal care homes, mental health facilities, etc.

Experienced senior managers in the Department believe that reporting of incidents has in fact increased, due to the implementation of strict reporting policies. The Department's strategy to reduce incidents (and not just reported incidents) of resident injury is:

1. to continue to reduce the Centre's population to provide increased space per resident. The Director of Nursing has identified this as a primary factor in reducing resident aggression;
2. the implementation of the Human Resource Plan currently under consideration to steadily increase staff-to-resident ratios: changing the staffing model from a custodial/medical to a developmental orientation; and
3. the utilization of new facilities to provide an increased number and range of recreational, social, and vocational activities. Following a report on flooring, terrazzo flooring was found to be a closely linked factor to injury. The replacement of terrazzo flooring in high incident areas now be actively considered.

The Department believes that these steps combined with continued emphasis on reporting and specific remedial responses as indicated will achieve the desired results.

Recommendations:

Following is a summary of Departmental replies to the specific recommendations:

1. "That the concerns identified with respect to the social, recreational, physical and other program needs of the residents be addressed by the Department of Community Services."

The Welcome Home Program has begun to address these long-standing concerns by, among other measures:

- a) providing new facilities for socialization, recreation, and vocational training previously unavailable through the construction of the new activities building projected to open in May/June, 1987;
- b) increasing the staff to resident ratios;
- c) the development of a Human Resource Plan to further enrich staff to resident ratios;
- c) the reduction in resident population to reduce over crowding and to provide nursing home standards of 120 square feet per resident by June, 1987; and
- e) a dramatic reduction of institutional admissions.

The Department notes that many of the deficiencies identified are the result of concentrating large numbers of persons with complex needs in one setting. The policy of resident reduction has not caused the problems identified but is instead an appropriate response and remedy.

2. "That the concerns raised with respect to the use of psychoactive drugs be addressed by the Department of Community Services".

In January, 1986 the percentage of residents receiving these medications including P.R.N. orders was 45.7% and in March, 1987 was 43.9%.

The Department concurs that this level of prescription appears to be undesirably high, but recognizes that any reduction in medication must be taken responsibly to safeguard the safety and well being of the resident and others. Responsibility for these decisions are vested with the Centre's medical staff who are subject to the same legal and ethical restraints as other physicians.

To further ensure that the current level of use is consistent with prudent contemporary medical practice, the Manitoba College of Physicians and Surgeons has been asked to review these concerns with the Centre's medical staff. Their recommendations will be followed.

3. **"That immediate steps be taken to ensure a safe medication system for the residents of The Manitoba Developmental Centre."**

An additional pharmacist was hired and the physical space for the pharmacy has been doubled. The adequacy of the increased staffing and space will be reviewed on an ongoing basis and if found to be still deficient will be rectified as necessary.

4. **"Before further reductions in the current staffing complement take place, it will be determined that the safety and well-being of the residents will not be jeopardized."**

Planned further staffing reductions would continue to improve staff resident ratios at a steady pace since the decrease is less than the decrease in resident population. The Human Resource Plan would add additional staffing and is under active consideration. The Director of Nursing believes that space is a large contributor to safety and these improvements to nursing home standards will be met July 1st, 1987 for all residents.

5. **"All residents at The Manitoba Developmental Centre, up to and including 21 years of age, be given the opportunity to attend a full-time educational program unless reasons of infirmity or fragility do not make it possible."**

This recommendation has been met.

6. **"If there is a question as to whether the residents over 18 years of age are entitled to attend the school program on a full-time basis, Manitoba Education determine the questions as to whether the spirit and intent of The Public Schools Act are being met."**

Manitoba Education has already been asked to review the school program and to determine whether the programs in place are reasonable for the residents based on the individual needs and whether they meet the spirit and intent of The Public Schools Act. This was done prior to the Report.

7. **"The teachers at the school file Incident Reports on all residents who attend school with an injury."**

The Department believes the reporting policies are comparable reporting policy in any school setting. However, this recommendation appears reasonable as a double-check for the vulnerable resident population of the Centre and as suggested will be reviewed to determine if current procedures can be improved.

8. **"Immediate steps be taken to assess the air conditioning needs of the Centre and to take whatever action is necessary to ensure a safe comfortable environment."**

The Southgrove building is most critical regarding comfort during the summer. It is vented for air conditioning and requires only a refrigeration unit and controls. The estimated cost is \$200,000 - \$250,000. This may be done this summer. Additional air conditioning window units from Northgrove will also provide some additional immediate relief. The Department will review means to implement this recommendation.

In conclusion, the report has identified concerns that the Department has and will continue to address in a planned orderly manner. There is now a comprehensive plan in place to:

- 1) improve the safety of the facilities with \$5.5 million expended to date;
- 2) reduce historical congestion and to achieve personal home care standards on all wards in 1987;
- 3) continue to increase resident to ratio from the current level toward the goals identified in the Human Resource Plan;
- 4) improve vocational and recreation programs through the use of the new Activities building;
- 5) continue to apply appropriate standards through the use of external peer reviews;
- 6) reduce resident incidents through strict reporting procedures and remedial actions.

Public Relations

The number of public appearances made by the Ombudsman in 1986 was significantly less than the number for the previous year. During the year, I attended thirty-seven functions (involving collectively approximately four thousand people) whereas the previous year I attended fifty-six functions. Understandably there were some requests during the year which I was unable to meet because of other commitments, but even with that there seemed to be a decrease in the number of invitations requesting the Ombudsman's presence at public functions, which of course, gave me a welcomed bit of a breather and a chance to catch up on some other areas of work. I mentioned in the introduction of this report there was a slow down in the number of complaints received and I don't think one can overlook the fact that the number of complaints received often bears a direct correlation to the degree of visibility of the Ombudsman. Hence the fewer public relations functions may well have been one factor contributing to the reduced number of complaints in 1986. Of the thirty-seven public appearances, all but six involved the Ombudsman as either guest speaker, guest of honour, or participant in some manner. Following is a list of events in which the Ombudsman participated during 1986.

Event	Location	Topic of Presentation (or Role Played*)	Approximate Number of People Present
4-H Conference on Positive Self Image	Morris, Manitoba	Citizenship Responsibilities	30
Manitoba Council on Children and Youth	Winnipeg, Manitoba	Advocacy on behalf of Children	15
Manitoba Community Services Provincial Remand Centre Correctional Workers	Winnipeg, Manitoba	The Ombudsman and Corrections	15
Grenadian Association of Manitoba, Inc. Annual Banquet and Dance	Winnipeg, Manitoba	*Special guest	150
Department of Psychiatry University of Manitoba	Winnipeg, Manitoba	The Ombudsman and the Psychiatrist	50
Institute of Chartered Secretaries and Administrators in Canada — Manitoba Branch Annual Meeting	Winnipeg, Manitoba	The Role of the Ombudsman	25
The Fourth Annual Manitoba Calypso Monarch Competition and Dance Produced by: The Caribbean-Canadian Association of Winnipeg, Inc. The St. Vincent and The Grenadines Association of Winnipeg, Inc. The Caribbean Entertainers Association	Winnipeg, Manitoba	*Special guest	250
Canadian Mental Health Association "People at Last" Meeting	Winnipeg, Manitoba	The Role of the Ombudsman and Patients' Rights	20
Provincial Child Abuse Committee	Winnipeg, Manitoba	The Role of the Ombudsman re Children's Rights	12
University of Winnipeg Canadian Politics Class	Winnipeg, Manitoba	The Role of the Ombudsman	30
St. Andrews River Heights United Church Sharing, Fun and Fellowship Group	Winnipeg, Manitoba	The Role of the Ombudsman	25
Centennial Toastmasters Club	Winnipeg, Manitoba	The Role of the Ombudsman	30
St. Paul's College University of Manitoba	Winnipeg, Manitoba	The Role of the Ombudsman	30
Health Sciences Centre Community Meeting for Psychiatric Patients	Winnipeg, Manitoba	The Role of the Ombudsman	10

Event	Location	Topic of Presentation (or Role Played *)	Approximate Number of People Present
Volunteer Appreciation Dinner Town of Beausejour and The Rural Municipality of Brokenhead	Beausejour, Manitoba	Volunteers are Special	100
First Annual Provincial Conference Manitoba Foster Parents Association	Winnipeg, Manitoba	Caring and Sharing	200
Ile Des Chenes Optimist Club	Ile Des Chenes, Manitoba	The Role of the Ombudsman	5
Trinidad and Tobago Society Mother's Day Celebration	Winnipeg Manitoba	*Special guest	100
Maples Collegiate Manitoba Day Program (Student Assembly and Classroom Seminars)	Winnipeg, Manitoba	Manitoba Day: Cultural Differences, Human Rights and the Ombudsman	1,120
The Manitoba Dutch-Canadian Professional and Business Association Dinner Meeting	Winnipeg, Manitoba	The Responsibilities of the Office of the Ombudsman	32
Daniel McIntyre Collegiate Institute Human Rights and Multiculturalism Conference (Two seminars)	Winnipeg, Manitoba	Human Rights and You	30
Garden Grove School Spring Tea	Winnipeg, Manitoba	*Special Guest	100
Kiwanis Club of Winnipeg, Inc. 1986 Provincial 4-H Senior Public Speaking Competition	Winnipeg, Manitoba	*VIP Judge	75
Bengali Association of Manitoba, Inc. Cultural and Musical Program	Winnipeg, Manitoba	*Special Guest	150
The Fourth Annual Winnipeg Reggae Competition and Dance Produced by: The Caribbean-Canadian Association of Winnipeg, Inc. The St. Vincent and The Grenadines Association of Winnipeg, Inc.	Winnipeg, Manitoba	*Invited guest	200
Manitoba Landlords Association Inc. General Meeting	Winnipeg, Manitoba	The Role of the Ombudsman	200
Office of the Saskatchewan Ombudsman Seminar on Children's Concerns	Saskatoon, Saskatchewan	An overview of the Role of the Manitoba Ombudsman's Office re Children's Concerns	16

Event	Location	Topic of Presentation (or Role Played *)	Approximate Number of People Present
National 4-H Careers Conference	Winnipeg, Manitoba	Choosing a Career	75
Lions Place Men's Club	Winnipeg, Manitoba	The Role of the Ombudsman	15
Winnipeg Air Canada Retirement Club	Winnipeg, Manitoba	The Role of the Ombudsman	75
Barbados Association of Winnipeg Annual Independence Banquet and Dance	Winnipeg, Manitoba	* Extended Official Greetings	250

The Canadian Ombudsman Conference

The Canadian Ombudsman Conference was held in Ottawa from June 15 to June 18, 1986, hosted by our four federal colleagues D'Iberville Fortier, Commissioner of Official Languages; Ron Stewart, Correctional Investigator; John W. Grace, Privacy Commissioner; and Inger Hansen, Information Commissioner. I was pleased to be able to participate in the conference as a panel member discussing the concept of a federal Ombudsman. The provincial Ombudsmen have given their support, over the years at our various conferences, to the establishment of a federal Ombudsman system. From the types of concerns that are often presented to our office involving federal government administration, we are firmly convinced that there is a need for a complete application of the Ombudsman concept at the federal level. While the Ombudsman concept has been implemented in the four areas of work covered by the hosts of the 1986 Canadian Ombudsman Conference, the major portion of federal government administration is lacking such redress. Again, as in previous years, and this time in the presence

of a federal observer, the Canadian provincial Ombudsmen strongly supported the establishment of a federal Ombudsman.

Other topics discussed at the Canadian Ombudsman Conference included: The Charter of Rights and Ombudsmen; Regionalization of Ombudsmen Services — The Ontario Experience; Annual Report vs. Special Report; and, of particular interest, Children's Rights. Generally speaking the conference was beneficial providing that collegial support and insight which is helpful in enabling us to provide a high quality service to the public.

Freedom of Information

In my 1985 Annual Report, I indicated that Manitoba's Freedom of Information Act had been given royal assent in July 1985 but had not been proclaimed. At the time of writing this report the status of that legislation is the same. While our office has no indication of a proclamation date for the legislation, we remain mindful of our intended role under the Act and we continue to prepare ourselves accordingly.

Complaint Statistics

Cases Brought Forward From the Previous Year

At the close of the calendar year 1985, 363 cases were still pending (1 of which was carried over from 1982, 13 from 1983, 68 from 1984 and the remainder, 281, from 1985). The dispositions of these cases are as follows:

Assistance Rendered	13
(83-140-88 — Community Services and Corrections, 83-140-100 — Community Services and Corrections, 84-350-32 — Manitoba Public Insurance Corporation, 85-150-13 — Community Services, 85-150-108 — Community Services, 85-220-7 — Education, 85-290-80 — Health, 85-310-48 — Housing, 85-340-16 — Manitoba Hydro, 85-400-82 — Private Matters, 85-400-87 — Private Matters, 85-400-89 — Private Matters, 85-430-34 — Workers Compensation Board)	
Discontinued (Client)	22
(84-280-80 — Health, 85-110-48 — Attorney General, 85-120-22 — Boards, Commissions and Committees, 85-120-34 — Boards, Commissions and Committees, 85-150-60 — Community Services, 85-150-68 — Community Services, 85-150-106 — Community Services, 85-150-133 — Community Services, 85-230-11 — Employment Services and Economic Security, 85-250-6 — Environment and Workplace Safety and Health, 85-280-2 — Government Services, 85-290-17 — Health, 85-290-104 — Health, 85-300-14 — Highways and Transportation, 85-310-15 — Housing, 85-310-34 — Housing, 84-310-44 — Housing, 85-370-19 — Municipalities, Cities, Towns, Etc., 85-380-11 — Natural Resources, 85-400-27 — Private Matters, 85-430-19 — Workers Compensation Board, 85-430-38 — Workers Compensation Board)	
Discontinued (Ombudsman)	10
(84-150-3 — Community Services and Corrections, 84-150-27 — Community Services and Corrections, 84-150-56 — Community Services and Corrections, 84-150-100 — Community Services and Corrections, 84-350-2 — Manitoba Public Insurance Corporation, 85-110-42 — Attorney General, 85-150-98 — Community Services, 85-290-101 — Health, 85-310-41 — Housing, 85-360-57 — Manitoba Public Insurance Corporation)	
Information Supplied	46
(83-350-29 — Municipalities, Cities, Towns, Etc., 84-150-119 — Community Services and Corrections, 84-150-156 — Community Services and Corrections, 84-150-157 — Community Services and Corrections, 84-150-175 — Community Services and Corrections, 84-220-15 — Employment Services and Economic Security, 84-280-90 — Health, 84-350-35 — Manitoba Public Insurance Corporation, 84-350-59 — Manitoba Public Insurance Corporation, 84-390-12 — Natural Resources, 84-460-35 — Workers Compensation Board, 85-110-37 — Attorney General, 85-110-50 — Attorney General, 85-120-32 — Boards, Commissions and Committees, 85-120-37 — Boards, Commissions and Committees, 85-150-96 — Community Services, 85-150-118 — Community Services, 85-150-154 — Community Services, 85-150-157 — Community Services, 85-180-8 — Corporations and Extra-Departmental, 85-190-10 — Courts of Law, 85-220-10 — Education, 85-230-30 — Employment Services and Economic Security, 85-250-2 — Environment and Workplace Safety and Health, 85-290-13 — Health, 85-290-51 — Health, 85-310-14 — Housing, 85-340-10 — Manitoba Hydro, 85-340-13 — Manitoba Hydro, 85-370-15 — Municipalities, Cities, Towns, Etc., 85-370-18 — Municipalities, Cities, Towns, Etc., 85-370-26 — Municipalities, Cities, Towns, Etc., 85-370-28 — Municipalities, Cities, Towns, Etc., 85-400-61 — Private Matters, 85-400-72 — Private Matters, 85-400-77 — Private Matters, 85-400-88 — Private Matters, 85-430-15 — Workers Compensation Board, 85-430-20 — Workers Compensation Board, 85-430-32 — Workers Compensation Board, 85-430-33 — Workers Compensation Board, 85-430-36 — Workers Compensation Board, 85-430-40 — Workers Compensation Board, 85-430-42 — Workers Compensation Board, 85-430-43 — Workers Compensation Board, 85-430-46 — Workers Compensation Board)	
Not Supported	103

(83-270-21	— Health, 84-120-3 — Business Development and Tourism,	
84-150-15	— Community Services and Corrections, 84-150-120 — Community Services and Corrections,	
84-150-142	— Community Services and Corrections, 84-150-171 — Community Services and Corrections,	
84-150-189	— Community Services and Corrections, 82-180-3 — Courts of Law, 84-210-3 — Education,	
84-230-1	— Energy and Mines, 84-290-9 — Highways and Transportation, 84-300-24 — Housing,	
84-300-28	— Housing, 84-300-48 — Housing, 84-350-60 — Manitoba Public Insurance Corporation,	
84-390-2	— Natural Resources, 84-390-11 — Natural Resources, 84-450-1 — Worker Advisor Office,	
85-110-16	— Attorney General, 85-110-26 — Attorney General, 85-110-34 — Attorney General,	
85-110-36	— Attorney General, 85-120-13 — Boards, Commissions and Committees,	
85-120-18	— Boards, Commissions and Committees, 85-120-27 — Boards, Commissions and Committees,	
85-120-28	— Boards, Commissions and Committees, 85-120-33 — Boards, Commissions and Committees,	
85-140-2	— Civil Service Commission, 85-140-5 — Civil Service Commission,	
85-150-2	— Community Services, 85-150-12 — Community Services,	
85-150-17	— Community Services, 85-150-81 — Community Services, 85-150-92 — Community Services,	
85-150-99	— Community Services, 85-150-100 — Community Services, 85-150-101 — Community Services,	
85-150-119	— Community Services, 85-150-127 — Community Services, 85-150-132 — Community Services,	
85-150-152	— Community Services, 85-150-155 — Community Services, 85-150-160 — Community Services,	
85-150-161	— Community Services, 85-160-4 — Consumer and Corporate Affairs,	
85-160-7	— Consumer and Corporate Affairs, 85-160-8 — Consumer and Corporate Affairs,	
85-180-1	— Corporations and Extra-Departmental, 85-180-7 — Corporations and Extra-Departmental,	
85-180-11	— Corporations and Extra-Departmental, 85-220-12 — Education,	
85-230-39	— Employment Services and Economic Security,	
85-250-4	— Environment and Workplace Safety and Health, 85-290-29 — Health, 85-290-60 — Health,	
85-290-65	— Health, 85-290-77 — Health, 85-290-87 — Health, 85-290-106 — Health, 85-290-113 — Health,	
85-300-11	— Highways and Transportation, 85-300-13 — Highways and Transportation,	
85-300-20	— Highways and Transportation, 85-310-6 — Housing, 85-310-13 — Housing,	
85-310-25	— Housing, 85-310-29 — Housing, 85-310-35 — Housing, 85-310-37 — Housing,	
85-310-39	— Housing, 85-310-45 — Housing, 85-310-50 — Housing, 85-330-4 — Labour,	
85-330-6	— Labour, 85-340-17 — Manitoba Hydro, 85-350-2 — Municipal Affairs,	
85-350-4	— Municipal Affairs, 85-360-8 — Manitoba Public Insurance Corporation,	
85-360-10	— Manitoba Public Insurance Corporation, 85-360-13 — Manitoba Public Insurance Corporation,	
85-360-28	— Manitoba Public Insurance Corporation, 85-360-29 — Manitoba Public Insurance Corporation,	
85-360-43	— Manitoba Public Insurance Corporation, 85-360-44 — Manitoba Public Insurance Corporation,	
85-360-48	— Manitoba Public Insurance Corporation, 85-360-51 — Manitoba Public Insurance Corporation,	
85-360-52	— Manitoba Public Insurance Corporation, 85-360-56 — Manitoba Public Insurance Corporation,	
85-360-58	— Manitoba Public Insurance Corporation, 85-380-2 — Natural Resources,	
85-380-4	— Natural Resources, 85-380-5 — Natural Resources, 85-380-6 — Natural Resources,	
85-380-7	— Natural Resources, 85-380-8 — Natural Resources, 85-430-8 — Workers Compensation Board,	
85-430-12	— Workers Compensation Board, 85-430-21 — Workers Compensation Board,	
85-430-23	— Workers Compensation Board, 85-430-28 — Workers Compensation Board,	
85-430-35	— Workers Compensation Board, 85-430-44 — Workers Compensation Board,	
85-430-45	— Workers Compensation Board)	
Partially Resolved		3
(84-150-68	— Community Services and Corrections, 84-300-14 — Housing, 85-310-33 — Housing)	
Recommendation		1
(83-100-5	— Agriculture)	
Resolved		65
(82-120-7	— Consumer and Corporate Affairs, 83-280-15 — Highways and Transportation,	
83-290-48	— Housing, 84-120-7 — Business Development and Tourism,	
84-150-84	— Community Services and Corrections, 84-150-155 — Community Services and Corrections,	
84-150-160	— Community Services and Corrections, 84-230-2 — Energy and Mines,	
84-230-3	— Energy and Mines, 84-230-4 — Energy and Mines, 84-230-5 — Energy and Mines,	
84-260-4	— Finance, 84-280-52 — Health, 84-280-91 — Health, 84-290-10 — Highways and Transportation,	

84-290-17 — Highways and Transportation, 84-300-9 — Housing, 84-390-22 — Natural Resources,
 84-460-22 — Workers Compensation Board, 85-100-2 — Agriculture, 85-110-24 — Attorney General,
 85-110-44 — Attorney General, 85-110-46 — Attorney General,
 85-120-25 — Boards, Commissions and Committees, 85-150-40 — Community Services,
 85-150-63 — Community Services, 85-150-84 — Community Services, 85-150-95 — Community Services,
 85-150-111 — Community Services, 85-150-137 — Community Services, 85-150-162 — Community Services,
 85-180-16 — Corporations and Extra-Departmental, 85-180-17 — Corporations and Extra-Departmental,
 85-180-19 — Corporations and Extra-Departmental, 85-190-11 — Courts of Law,
 85-230-3 — Employment Services and Economic Security,
 85-230-25 — Employment Services and Economic Security, 85-240-1 — Energy and Mines,
 85-270-1 — Finance, 85-280-3 — Government Services, 85-290-39 — Health,
 85-290-63 — Health, 85-300-23 — Highways and Transportation,
 85-310-31 — Housing, 85-310-32 — Housing, 85-310-36 — Housing, 85-330-2 — Labour,
 85-340-11 — Manitoba Hydro, 85-360-7 — Manitoba Public Insurance Corporation,
 85-360-23 — Manitoba Public Insurance Corporation, 85-360-27 — Manitoba Public Insurance Corporation,
 85-360-36 — Manitoba Public Insurance Corporation, 85-360-37 — Manitoba Public Insurance Corporation,
 85-360-40 — Manitoba Public Insurance Corporation, 85-360-41 — Manitoba Public Insurance Corporation,
 85-360-42 — Manitoba Public Insurance Corporation, 85-360-46 — Manitoba Public Insurance Corporation,
 85-360-59 — Manitoba Public Insurance Corporation, 85-360-62 — Manitoba Public Insurance Corporation,
 85-360-63 — Manitoba Public Insurance Corporation, 85-380-15 — Natural Resources,
 85-430-6 — Workers Compensation Board, 85-430-7 — Workers Compensation Board,
 85-430-16 — Workers Compensation Board, 85-430-41 — Workers Compensation Board)

Still Pending 100

(83-220-3 — Environment and Workplace Safety and Health, 83-280-40 — Highways and Transportation,
 83-290-49 — Housing, 83-360-5 — Natural Resources, 83-360-8 — Natural Resources,
 83-370-1 — Northern Affairs, 84-100-4 — Agriculture, 84-100-8 — Agriculture, 84-100-9 — Agriculture,
 84-150-69 — Community Services and Corrections, 84-150-184 — Community Services and Corrections,
 84-210-12 — Education, 84-240-1 — Environment and Workplace Safety and Health,
 84-300-39 — Housing, 84-300-44 — Housing, 84-330-2 — Manitoba Hydro,
 84-350-56 — Manitoba Public Insurance Corporation, 84-350-57 — Manitoba Public Insurance Corporation,
 84-350-58 — Manitoba Public Insurance Corporation, 84-390-18 — Natural Resources,
 84-400-3 — Northern Affairs, 84-460-26 — Workers Compensation Board, 85-110-47 — Attorney General,
 85-120-4 — Boards, Commissions and Committees, 85-120-6 — Boards, Commissions and Committees,
 85-120-8 — Boards, Commissions and Committees, 85-120-11 — Boards, Commissions and Committees,
 85-120-21 — Boards, Commissions and Committees, 85-120-23 — Boards, Commissions and Committees,
 85-120-24 — Boards, Commissions and Committees, 85-120-29 — Boards, Commissions and Committees,
 85-120-31 — Boards, Commissions and Committees, 85-120-35 — Boards, Commissions and Committees,
 85-150-14 — Community Services, 85-150-29 — Community Services, 85-150-70 — Community Services,
 85-150-86 — Community Services, 85-150-87 — Community Services, 85-150-90 — Community Services,
 85-150-103 — Community Services, 85-150-110 — Community Services, 85-150-121 — Community Services,
 85-150-122 — Community Services, 85-150-129 — Community Services, 85-150-138 — Community Services,
 85-150-139 — Community Services, 85-150-140 — Community Services, 85-150-150 — Community Services,
 85-180-18 — Corporations and Extra-Departmental, 85-220-1 — Education, 85-220-9 — Education,
 85-230-4 — Employment Services and Economic Security,
 85-230-8 — Employment Services and Economic Security,
 85-230-16 — Employment Services and Economic Security,
 85-230-24 — Employment Services and Economic Security,
 85-230-26 — Employment Services and Economic Security,
 85-230-32 — Employment Services and Economic Security,
 85-230-33 — Employment Services and Economic Security,
 85-230-36 — Employment Services and Economic Security,
 85-230-38 — Employment Services and Economic Security, 85-240-2 — Energy and Mines,
 85-240-3 — Energy and Mines, 85-250-5 — Environment and Workplace Safety and Health,
 85-290-9 — Health, 85-290-23 — Health, 85-290-25 — Health, 85-290-52 — Health, 85-290-62 — Health,
 85-290-67 — Health, 85-290-103 — Health, 85-300-9 — Highways and Transportation,
 85-300-17 — Highways and Transportation, 85-300-19 — Highways and Transportation,

85-300-21	— Highways and Transportation, 85-310-3 — Housing, 85-310-11 — Housing,
85-310-16	— Housing, 85-310-27 — Housing, 85-310-38 — Housing, 85-310-42 — Housing,
85-310-47	— Housing, 85-310-52 — Housing, 85-330-5 — Labour, 85-340-5 — Manitoba Hydro,
85-340-12	— Manitoba Hydro, 85-350-5 — Municipal Affairs,
85-360-12	— Manitoba Public Insurance Corporation, 85-360-20 — Manitoba Public Insurance Corporation,
85-360-21	— Manitoba Public Insurance Corporation, 85-360-32 — Manitoba Public Insurance Corporation,
85-360-34	— Manitoba Public Insurance Corporation, 85-360-60 — Manitoba Public Insurance Corporation,
85-370-10	— Municipalities, Cities, Towns, Etc., 85-380-12 — Natural Resources,
85-380-13	— Natural Resources, 85-380-16 — Natural Resources, 85-390-1 — Northern Affairs,
85-430-1	— Workers Compensation Board, 85-430-17 — Workers Compensation Board,
85-430-29	— Workers Compensation Board)

TOTAL

363

Dispositions of 1986 Complaints

Assistance Rendered	37
Declined	24
Discontinued (Client)	48
Discontinued (Ombudsman)	10
Information Supplied	117
Not Supported	119
Pending	237
Resolved	82
TOTAL	674

As in previous reports I am presenting a brief analysis of the disposition of complaints. Of the 1986 dispositions, the areas where complainants may feel that we have been most helpful are Assistance Rendered, Information Supplied and Resolved. Of the 437 complaints concluded, these categories totaled 236 or 54%.

Despite my anticipation last year that, due to additional staff, there would be a reduction in the number of cases to be carried forward, there was still a considerable number of cases to be carried over to 1987, namely 237 which represents 35% of the work load for the year. This percentage is slightly, although not significantly, larger than the 33% carried over last year. The main factor to which

I can contribute this statistic is that during 1986 there were many cases which were very complex and time consuming. Also, as mentioned in the update on staff section of this report, there were several staff changes during the year which not only left us at periods of time with an incomplete staff complement, but also caused us to spend a fair amount of time recruiting, orienting and training new staff. However, it is also worth noting that during 1986, we were able nevertheless to conclude all but 100 of the 363 cases carried over at the end of 1985. The 263 cases completed in 1986 from the 1985 backlog compares favourably to the 31 cases completed in 1985 from the 1984 backlog of 113 cases. Hence even though at first glance a carry over of 35% of the work load may seem significant, the reality is that we have increased our output greatly completing overall 790 cases in 1986 (437 of 1986 complaints plus 263 from the backlog) compared to 608 cases (577 of 1985 complaints plus 31 from the backlog) in 1985.

Like previous years, there was a relatively small number of cases where the Ombudsman declined to investigate, specifically 24 cases, or 4% of the caseload.

Of the 437 cases concluded, there were 119 or 27% found to be not supported.

There were 58 cases, or 9% of the total caseload discontinued by either the client or the Ombudsman.

I have noticed that over the past five years there has been a distinct pattern regarding the disposition of cases, as will be seen in the following chart.

	1982	1983	1984	1985	1986
Assistance Rendered, Information Supplied, Partially Resolved, Resolved (Percentage based on cases completed)	66%	64%	59%	58%	54%
Not Supported (Percentage based on cases completed)	23%	23%	25%	26%	27%
Declined (Percentage based on cases received)	6%	6%	6%	6%	4%
Discontinued (Percentage based on cases received)	4%	6%	7%	5%	9%
Pending (Percentage based on cases received)	3%	8%	12%	33%	35%

From a review of the chart it can be noted that over the past five years the Ombudsman has been able to provide some information, assistance or resolution in about one half to two thirds of the cases completed each year. In about one quarter of the cases completed the Ombudsman has been unable to support the complainant. There has been consistently only a small percentage of complaints (6% or less) which the Ombudsman has declined to investigate, and similarly a relatively small percentage

of cases where the investigation has been discontinued. It is interesting to note that over the years, as the work load increased, the percentage of cases pending at the end of each year increased. However, the increase between 1985 and 1986 is minimal compared to the increases in previous years, and this, as indicated earlier, can be attributed to the increase in staff numbers and output, as well as a somewhat lower number of complaints during 1986.

Complaints attributed to each Department or Category

Rank	Department or Category	Number of Complaints	Percentage of Total (Approximately)	Number of Complaints Up From Last Year(+) Down From Last Year(-)
1	Community Services	173	26 %	+
2	Health	77	12 %	-
3	Manitoba Public Insurance Corporation	62	9 %	-
4	Private Matters	61	9 %	-
5	Attorney General	50	7 %	-
6	Housing	39	6 %	-
7	Employment Services and Economic Security	31	5 %	-
8	Workers Compensation Board	28	4 %	-
9	Highways and Transportation	23	4 %	-
10	Manitoba Hydro	13	2 %	-
	Federal Departments and Agencies	13	2 %	-
	Labour	13	2 %	+
11	Environment and Workplace Safety and Health	11	2 %	+
	Natural Resources	11	2 %	-
12	Education	10	1 %	-
	Municipalities, Cities, Towns, Etc.	10	1 %	-
13	Corporations & Extra-Departmental	9	1 %	-
14	Municipal Affairs	8	1 %	+
	Consumer and Corporate Affairs	8	1 %	same
15	Finance	6	.8%	+
16	Agriculture	5	.7%	+
17	Civil Service Commission	4	.5%	-
	Energy and Mines	4	.5%	+
18	Business Development and Tourism	2	.2%	+
19	Culture, Heritage and Recreation	1	.1%	+
	Government Services	1	.1%	-
	Northern Affairs	1	.1%	same
		674	100.0%	

Complaints by the Year

Year	Written Complaints	Telephone Enquiries	Total of Written Complaints and Telephone Enquiries
1970	333	—	333
1971	396	—	396
1972	487	—	487
1973	441	—	441
1974	641	—	641
1975	651	—	651
1976	596	—	596
1977	606	—	606
1978	543	—	543
1979	531	—	531
1980	510	—	510
1981	526	—	526
1982	551	348	899
1983	728	1,179	1,907
1984	807	1,275	2,082
1985	858	1,826	2,684
1986	674	1,347	2,021
Totals	9,879	5,975	15,854

Sources of Complaints

Altona	1	Lockport	1
Altona	1	Meleb	2
Artorg	1	Minnedosa	2
Ashern	1	Moosehorn	2
Ashville	1	Morris	1
Baldur	1	Neepawa	1
Balmoral	1	Oak Lake	1
Beausejour	1	Pinawa	1
Bellsite	1	Pine River	1
Belmont	1	Piney	1
Benito	1	Portage la Prairie	16
Bissett	1	Purson	1
Boissevain	1	Rivers	1
Brandon	69	Riverton	1
Dauphin	3	Roblin	1
Deloraine	1	Russell	1
Dufresne	1	St. Claude	1
Edwin	1	St. Germain	1
Elgin	1	Sandy Hook	1
Elkhorn	2	Scantbury	1
Erickson	2	Selkirk	19
Ethelbert	1	Shilo	1
Fairford	1	Snow Lake	5
Fraserwood	1	Somerset	1
Garson	1	Souris	1
Gillam	1	Stonewall	2
Gimli	1	Stony Mountain	4
Gladstone	1	Sundance	1
Glenlea	1	Swan River	1
Gretna	1	Teulon	1
Hadashville	1	The Pas	5
Hargrave	1	Thompson	7
Hartney	2	Tout-Aides	2
Hazelridge	1	Vassar	1
Headingley	51	Virten	4
Ile des Chenes	3	Vita	2
Isabella	1	Whitemouth	1
Killarney	2	Winkler	1
Lac du Bonnet	2	Winnipeg	391
Laurier	1	Woodlands	2

Subtotal		657
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Out of Province

Alberta	2
British Columbia	3
Newfoundland	1
Ontario	8
Saskatchewan	2

Subtotal	16
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Out of Country

St. Elizabeth, Jamaica	1
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Total	674
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Cases Involving Children

84-150-175 **Department of Community Services**

Alleged lack of follow-up regarding sexual abuse.

Some of the complaints presented to my office are from parents or guardians who feel that child and family service agencies should not be involved in their family's situation, or have unjustly apprehended their children. After reviewing the matter, our findings may not support the complainant's position. However, this is not to say that, during the course of our investigation, some other concerns might not be identified with respect to the over-all case management. In this particular case example, a complaint was received from parents with respect to an agency's investigation into allegations of sexual abuse involving their two-year-old child. As well as expressing dissatisfaction with the investigation, they felt that they had not received appropriate follow-up and treatment to assist the child in dealing with the trauma of the alleged assault.

The mother stated that the two-year-old (the oldest of two children) was sexually acting out and it was affecting their youngest child. Reportedly, because of lack of appropriate follow-up and treatment through the agency, the mother herself had been making some independent arrangements to obtain treatment for her daughter.

The matter was initially referred to the Office of Child and Family Support for review. The outcome of the review with respect to the investigation into the allegation of sexual abuse against the two-year-old child was that it was conducted in a manner which would ensure the best interest of the child, given the history and circumstances of the family situation. The medical evidence supported that the child may have experienced some form of sexual abuse. There was no evidence to support that the individual, whom the parents accused of the alleged assault, was indeed the offender. There was insufficient evidence to proceed with charges, given the denial of the alleged offender, the pre-verbal level of the child, and the reported lack of co-operation from the parents. Nevertheless, there were strong indicators that the family itself was in need of continuing services and support. The family was considered to be "high risk" for potential child abuse based on their previous involvement with various child protection services. However, the family was described as difficult to deal with and resistant to receiving any services.

There was agreement that services were required for this family but, given their lack of trust in the child caring agency, it was doubtful whether they would be willing to work with the agency. Nonetheless, we felt that someone needed to be monitoring the family situation, particularly given the ages of the children involved. The Office of Child and Family Support shared the concern that further services should be offered to the family and followed

up with the agency in this regard. We were subsequently advised by the Office of Child and Family Support that a referral to another Child and Family Services agency was being considered.

However, shortly after this, the parents separated, and the mother made a self-referral to the agency for homemaking assistance. It was felt that this would be an appropriate opportunity to encourage her to engage in counselling services. Before an appointment could be scheduled, the couple had reunited.

The Investigator (Children's Concerns) and the Provincial Child Abuse Program Coordinator met with the mother to explain the outcome of the review and discuss further services with her. She indicated that she was receptive to the idea of further services and the Child Abuse Coordinator was going to explore alternative resources.

Needless to say, we were very concerned when we later followed up on this case to learn that the file had again been closed by the child and family service agency. Although the file notes documented that it was considered to be a high-risk family for abuse, the reason for the case closure was that the couple had refused to use the help offered to them.

After receiving this information, the Investigator from our office met with the supervisor and the worker involved. Basically, the position presented was that the supervisor did not know on what grounds to reopen the case as there were no community complaints regarding treatment the children were receiving and, although they saw it as a high-risk case, there was no evidence of any abuse. The worker did not demonstrate an in-depth knowledge of the case nor have a great deal of information with respect to the mother's previous background.

The Investigator (Children's Concerns) discussed this case again with the Provincial Child Abuse Coordinator. He subsequently met with the Executive Director of the agency and it was acknowledged that this was a high-risk situation and, while there might not be immediate legal grounds to "force service" on the family, there was sufficient concern in regard to the vulnerability of these young children within the family situation which demanded further agency service within a child protection context. The case was to be reassigned to a new worker.

The Child Abuse Coordinator advised that his office would continue to monitor the situation and follow up with the agency. Given the commitment made to work with this family and that the case would be monitored, there did not appear to be any further action required by our office.

In reviewing what had occurred in this case, we were extremely concerned that the file had been closed within the agency and it raised for us some serious questions as to the process and procedure for closing out high-risk files.

We also felt it identified the need to have trained, skilled workers who are confident and comfortable dealing with families where there is a high-risk potential for abuse. We also raised the question as to whether or not there may be a broader need to have more training for line staff and management with respect to the issue of providing service to resistant or non-compliant families, when there are strong indicators that they are "high risk" but there is no substantiated evidence of abuse occurring — particularly when the children are pre-schoolers or pre-verbal in a closed family unit and would not be subject to monitoring through the school or day-care system.

85-150-119 **Department of Community Services**

Alleges Children's Aid Society have taken children without just cause.

In some cases where children have been apprehended by child and family service agencies, our office is contacted by the parents even though the custody issue may be before the Courts. In such cases, it is explained to the complainant that it is not the role of the Ombudsman to determine the question of custody; neither do I have jurisdiction over decisions of the Court. Nevertheless, even if the custody matter is before the Courts, if a complaint is presented about an act, decision, or omission of a child and family service agency in the management or handling of the case, we may still initiate a review pertaining to the agency's intervention and actions.

In October 1985, a letter was received from parents whose four children had been apprehended by the former Children's Aid Society of Winnipeg in 1983. The case had been transferred to one of the community based child and family service agencies with the reorganization of child and family services on April 1, 1985. At the time the parents contacted our office, the agency currently handling the case was applying for a permanent order of guardianship on the three youngest children. The oldest child had since attained the age of majority and was no longer under the care of the agency.

The role of our office was explained to the parents. They decided that they would not pursue the matter with us until after the Court decision, which was expected in November 1985. They requested we make no inquiries until they recontacted our office.

The Investigator was subsequently contacted and advised that the Court had awarded permanent orders of guardianship for the three children to the child and family services agency. The parents felt that the children should never have been apprehended in the first instance and that it had been as a result of the oldest daughter telling untrue stories with respect to sexual and physical abuse occurring within the home. They felt that the oldest daughter had influenced her younger siblings to also tell

untrue stories. The oldest daughter was now stating that she had been telling lies, but they felt no one was willing to listen to her.

When the parents contacted our office, they advised that they were not being allowed visiting privileges to the younger children. They felt that the children were being deprived of their rights, and they also expressed concern about the care the children were receiving in their group and foster home placements.

It was apparent from the outset, given the information being presented to our office, that this was a very complex case. The concerns being presented by the parents resulted in a lengthy review which included interviews and meetings with the Executive Director of the agency, the worker directly involved in handling the case, and a review of all the agency family and legal files.

In reviewing cases involving children, careful consideration is given as to whether or not it is necessary for the Investigator to meet with the children. Factors taken into consideration would include the children's emotional stability, the nature of the allegations and complaints being presented, and the necessity to conduct a thorough, impartial review. In this particular case, the Investigator did meet with all four children.

During the time the matter was under investigation by our office, the second-oldest child also attained the age of majority and moved back home with his parents. This left only the two younger children in care. The two older children, themselves, initiated contact with the Investigator. The Investigator, in consultation with the agency, made arrangements to visit the two younger children.

The children, who were living in different homes, were seen in their respective environments. From the Investigator's discussions with the children and her observations, there was nothing to suggest that they were not being properly treated and cared for.

Also, after an extensive review of the file documentation, the parents' allegations that the former Children's Aid Society of Winnipeg did not have reason to become involved with their family could not be supported. There was sufficient documentation to suggest that intervention by the agency was warranted.

The decisions being made by the current agency, with respect to the family's access to the children, were also being made in what the agency believed to be the children's best interests. Both children were involved in therapy, and there was close consultation with the children's therapist. The therapist had also documented her opinion as to why contact with the family members would be extremely detrimental to the social and psychological well being of the children. The child and family service worker involved with the children also demonstrated a high degree of commitment to the children and was actively involved with them on an ongoing basis.

The parents were advised of the outcome of our review and that we were unable to support their allegations against the child and family service agency handling the case. I would also like to comment that excellent co-operation was received from the agency and their legal counsel during the course of this extensive review.

86-200-6 **Department of Education**

Concerns with actions of school and school division.

A complaint was received from the parents of a Grade 1 student attending school in rural Manitoba. They reported difficulties they were experiencing with the local school. They were unhappy with the conduct of a teacher and were particularly concerned over an incident where their child's mouth had been taped shut by the teacher. They also wanted special resource help for the child and a tutor for the child over the summer months.

The child's parents had received a letter of apology from the Superintendent of the school division with respect to the taping of the child's mouth in class. It was stated that it had been done partly in jest and partly as a way of stopping her from talking for a few minutes. The parents had been assured that such an incident would not happen again. However, they did not feel that all of their concerns were adequately dealt with by the school or the school division. They had been in touch with the Manitoba Department of Education, but they did not feel that anything was going to be done to assist them with their complaint.

Our complainants were contacted and advised that we did not have direct jurisdiction over the school or the school division. However, we referred the matter to the Department of Education for review and inquired if there was any assistance they could provide for the family.

Our office was advised by the Department of Education that, after the parents had initially contacted them, a representative with expertise in special education had been assigned to work with the complainants. The representative had discussed the problems with the parents and had requested that they set out the details of their complaint in writing. It was also reported that the representative had offered to meet with both parties in an attempt to mediate a resolution to the problem. We were also informed that the representative had followed up with the school division with respect to the incident where the child's mouth had been taped. We were advised that the Department's representative remained available if the parents felt further assistance was required.

In follow-up contact with the parents, they indicated that they felt they were receiving better co-operation from the school. Given the action which had been taken by the Department of Education, there did not appear to be anything further our office could do, and the file was concluded.

85-150-137 **Department of Community Services**

Feels child's well-being is in jeopardy because of actions by child caring agency.

In November 1985, I received a letter from foster parents in rural Manitoba. They advised that they had a three-year-old Native foster child who had been placed with them as a newborn. Guardianship of the child had been transferred from the Department of Community Services to a Native Child and Family Service agency in January 1985.

The foster parents reported that, due to the child's medical condition, she had not been placed for adoption previously. After the transfer to the Native agency, the child was then considered for adoption. A potential adoption placement had arisen when the child was approximately two and one-half years old. However, the foster parents indicated that the adoption had not proceeded and they believed that the reason was because of the strong bond the child had with their own family.

The foster parents had written to the Native agency requesting that they be considered as permanent caregivers for the child. However, when they contacted our office, it was their understanding that the Native agency was planning to remove the child from their care and that visits with the other family were to start in early December.

The concerns of the foster parents were brought to the attention of the Provincial Adoption Co-ordinator, office of Child and Family Support. The Investigator for Children's Concerns also discussed the matter directly with the foster parents. She was advised that a meeting was to be held between the Executive Director of the Native agency and the Chiefs to discuss their request to be considered as primary care-givers for the child. The foster parents were to contact us again after that decision had been made to see if further action or enquiries were necessary. The foster parents later advised our office that the decision had been made by the agency to proceed with the adoption placement of the child. As a result, they requested that their complaint be reviewed.

Directive #18 — Native Placement Procedures — (a directive issued by the Department of Community Services) included provisions for non-Native foster parents to provide foster care on a permanent basis, where a child has developed a strong sense of belonging to the foster family and where there is a mutual commitment to a personal family relationship.

As the foster parents wished to be considered permanent care-givers as provided for under Directive #18, the Native agency's decision to remove the foster child from the home was reviewed by the Director of Child Welfare (now referred to as the Director of Child and Family Services).

A resolution was eventually agreed upon and the Native agency did not contest the foster parents' application for guardianship of the child. In September 1986, the foster parents were granted guardianship of the child, subject to the conditions that they allow reasonable access between the child and her natural mother, and between the child and her extended family; that they encourage the child to learn her Native language by making Native language lessons available to her when she reached an appropriate age; that they encourage the child to learn about her Indian culture and heritage by assisting her to become involved in appropriate Indian cultural activities when she reached an appropriate age; and that they not remove the child from the province without consultation with the Native agency. After receiving notification of the granting of guardianship, we concluded this file as resolved.

85-150-99 **Department of Community Services**

Alleges inappropriate dismissal from position of relief child-care worker.

A child-care worker, who had been hired by a child and family service agency as a relief worker in a group home, complained to our office that he had been unfairly fired from his position. He believed that the reason he had been fired was because he had questioned instructions he had received on how to deal with residents under the influence of illegal drugs or with illegal drugs in their possession. He also raised concerns with respect to the agency's policy concerning residents who use illegal drugs.

Inquiries were made directly with the agency involved. We received a written report from the Executive Director of the agency in response to the complaint. During the course of our investigation, we interviewed the Executive Director of the agency as well as other agency staff. We also reviewed the agency's General Policy and Procedure manuals as well as other relevant file documentation.

We were unable to support our complainant's position that he had been "fired" from the agency or that they had any obligation to offer him any further ongoing employment. Accordingly, I was unable to conclude that the agency's decision not to offer him any further relief work could be considered clearly wrong or unreasonable. Therefore, I was unable to make any recommendation on his behalf.

I might also comment that, while we could not support our complainant's position with respect to his employment with the agency, it was our understanding that documentation was not maintained on the performance of the relief workers. Therefore, if there was a problem or concern about a relief worker, it may not be documented on file. It was suggested to the agency that it might be appropriate to institute a system where incidents with

relief workers were documented. The agency subsequently advised us that they have since set up expectations for regular written evaluative reviews of relief staff and for written documentation of problems which occur.

With respect to the concern over how the agency dealt with residents who might be involved in illegal drug use, we were advised it was agency policy that, if a resident brings any drugs into the unit, the police are to be contacted. It was also reported that the agency would not condone the presence of drugs on the premises and would not keep knowledge of a specific crime from the police. If a resident came into the unit under the influence of drugs and was not disruptive, he would be sent to bed. The primary worker for the youth would be involved in making the decisions regarding treatment issues and the appropriate action to deal with the specific behaviour. Given this information, it appeared that the agency did have reasonable policies and guidelines concerning the possession and the use of illegal drugs amongst the group home residents.

Based upon our review, we did have some comments to make on the general issue of dealing with youth who may have illegal drugs in their possession and who may be involved in other delinquent behaviour.

On this topic, I feel that it is important that workers and agency staff have clear guidelines and direction on what to do if youth in their care advises them of delinquent behaviour they may be involved in, or turns over illegal drugs or other property which may have been gained through criminal or delinquent activity. I feel this is important for the protection and benefit of line staff so that they do not find themselves in compromising or untenable situations.

This broader issue of appropriate procedures to be followed when agencies or workers are dealing with youth who may be involved in illegal drug use or other delinquent activities was also raised with the Office of Child and Family Support, Department of Community Services. It was our understanding that there were no specific Provincial guidelines, standards, or directives issued through the Office of Child and Family Support relating to appropriate procedures or practises to be followed in situations where workers are aware of delinquent behaviour or criminal activity on the part of their wards. I raised the question as to whether it might not be appropriate to have some Provincial standards or guidelines in place with respect to expectations for agencies in dealing with such situations.

In saying this, it was recognized that there can be a fine line between not condoning criminal or delinquent behaviours and keeping open the lines of communication so as not to jeopardize the counselling or therapeutic relationship between workers and youth. Realizing it is a complex issue, I still felt that there should be clear directives for staff in dealing with these situations, taking into

consideration the ethical, professional, and legal ramifications. In this case, we offered some suggestions to the agency for consideration.

The agency responded to our comments, stating that our suggestions for better control and protection of staff relating to the disposal of drugs had been discussed and were implemented. The issue was also discussed with their solicitor, and there was going to be further consultation with the local police department.

The Director for Child and Family Services also advised that our suggestion on the need for Provincial standards and guidelines was noted and that he had asked those involved in developing a Child and Family Services Standards Manual to incorporate them in ongoing deliberations.

I felt that the responses received from both the Executive Director of the agency and the Director of Child and Family Services resolved any outstanding issues identified and the file was concluded.

86-140-38 **Department of Community Services**

Alleges denial of visiting rights to grandchildren.

The majority of our complaints are handled through formal written communication with departments or agencies. However, at times, we may make direct telephone inquiries with the worker or agency involved if it appears that quick resolution or clarification can be obtained in this manner. Such informal communication may also be necessitated by the urgency of a case coming to our attention, and written communication may follow later if it appears that such is required. When we receive a complaint or enquiry by telephone, our first suggestion is for the individual to contact the supervisor or the Executive Director of the agency, if they have not already discussed their concerns at that level. If a complainant reports that they have attempted that avenue and are still dissatisfied; or, if for some reason the complainant refuses to have further contact with the agency, the Investigator (Children's Concerns) may initiate direct contact with the agency.

In this particular case, a grandmother had first contacted the Investigator (Children's Concerns) just prior to Christmas 1985. She stated that a child and family services agency had permanent guardianship over her three grandchildren. It had been her understanding that the grandchildren would be with her and their grandfather over the Christmas holiday. However, she stated that the worker had phoned her and that there was now a change in arrangements.

Prior to phoning our office, the grandmother had spoken to the supervisor of the worker. Our Investigator advised

the complainant that she had followed the correct procedure and that she should await further information from the supervisor. If, after that point in time, she felt she required assistance from our office, she could contact our office again.

Nothing further was heard from the grandmother until February 1986. At that time, she advised that the Christmas visits had been satisfactorily resolved, but she was now experiencing further difficulties regarding visitation with her grandchildren. At this time, she also raised some concerns about the treatment the children were receiving in foster care and about some behaviour being exhibited by one of the children in particular.

The complainant stated that she did not feel she had been able to achieve a satisfactory explanation or resolution to her concerns at the agency level. Therefore, the Investigator made telephone inquiries directly with the supervisor, to obtain clarification. The concerns, as expressed by the grandmother, were reported to the agency. The Investigator had subsequent telephone conversations with both the supervisor and the worker involved with respect to this case and the action taken to deal with the grandmother's concerns.

This case had been transferred to the community based agency from the former Children's Aid Society of Winnipeg. The new agency was involved in active permanency planning for the children, and visits to the grandparents were being reviewed. (There were also some family dynamics the agency was taking into consideration with respect to the access issue.) Based upon the information received, it did appear that the access of the grandparents to the children was being considered by the agency in an attempt to balance the best interests of the children, while acknowledging the role of the grandparents in their lives.

The Investigator was also advised that the worker was in weekly contact with the children and had followed up with respect to the concerns raised about the foster home. The worker had found no substantiation for the grandmother's concerns about the foster home; however, the children were being closely monitored. It was also reported that a psychologist had been consulted with respect to the behaviour of the one child. Therefore, this was not being ignored as the grandmother had feared.

The grandmother was contacted by the Investigator and the appropriate information shared. It was indicated that, if she had any further concerns, she should speak directly with the supervisor or, failing that, the Executive Director of the agency, prior to contacting our office.

The grandmother expressed no further concerns in her last discussion with the Investigator and has not made further contact with our office. Accordingly, the file was concluded.

86-140-66 **Department of Community Services**

Open-custody youth alleges unfair treatment.

A complaint was received from a youth who felt he had been treated unfairly by Probation Services. He reported that, while he was a resident in an open-custody home, a large sum of money had been stolen from him. He also stated that, on the same night that he believed the money was stolen, he had damaged a window at the open-custody home. He stated that Probation Services had forced him to pay for the window in the home but had ignored his claim of theft of money. He also stated he had been accused of damaging a lock at the home and payment for the lock had been demanded from him. He stated that, because he was innocent, he refused to pay for the lock.

Inquiries on this matter were made with the Department of Community Services and a report was received. The information from the Probation Officer was that, on the night in question, the youth had phoned his open-custody home operators and admitted he was out drinking. At the time he was out on a day pass for work which ended at 5:30 p.m. The open-custody home operators reported that they had advised him to be home by 8:00 p.m. or he would be reported unlawfully at large.

The operators of the home reported that he had not returned by 9:30 p.m. that evening. The operators apparently left their home at 9:30 p.m., returning at approximately 10:45 p.m. When they returned to their home, they noted damage to a double-paned window.

They advised that, when they went inside, they found our complainant lying asleep on his bed in an intoxicated condition, and the police were contacted.

As a result of the incident, the youth appeared in Adult Court and was ordered to pay restitution for the amount of damage to the window. It was also reported that the lock was damaged by the youth, but the operators were not pursuing payment for the lock. We were informed that it was after he had returned to the open-custody home, in an intoxicated condition, that he claimed money was stolen from him. However, it was also stated that he could not recall fully whether or not the money had been stolen before or after he returned home.

The Probation Officer also advised that he had discussed the complaint with the youth, and he was informed of his right to contact the police. It had also been suggested that he produce some proof that he did have that amount of money on him. The Probation Officer reported that the youth initially stated he could produce a witness; however, he did not pursue the matter further with his Probation Officer.

The information we received was communicated to our complainant. It was pointed out that it was the Courts who had ordered restitution and not Probation Services. It was also explained that the Ombudsman has no jurisdiction over decisions made by the Courts. Given the response we had received to the complaint, it was difficult to conclude that the youth had been treated unfairly by Probation Services. No response was received from the complainant and the file was concluded as not supported.

Other Cases

86-110-12 **Attorney General – Public Trustee**

Questioning fees charged by Public Trustee.

I received a letter of complaint from a person who, while temporarily hospitalized, had utilized the services of the Public Trustee in the administration of several Canada Savings Bonds and Trust Certificates. The complainant expressed the concern that the fees charged by the Public Trustee for the services requested were too high. Further, the complainant alleged that her request to the Public Trustee to provide a breakdown of the charges did not provide any satisfactory results.

In the course of investigating this matter, enquiries were made with the Public Trustee and information relating to the concerns expressed by the complainant was received. The Public Trustee provided an explanation of his fee structure along with a copy of the actual worksheet used to calculate the fees. In addition, the Public Trustee indicated that he would be prepared to consider a reduction of fees purely on compassionate ground, if the complainant were able to establish a case of financial hardship. As the complainant possessed a significant amount of investments, it appeared difficult that a convincing case of financial hardship could be projected.

In reviewing the information provided, in particular the copy of the worksheet with the calculation of the fees, a discrepancy in the method of calculation was noted. While the trust had been under administration for a period of 3 months, the fees had been calculated for a period of 12 months. This resulted in a difference in the fees charged by the Public Trustee and the actual fees that we felt ought to have been charged. I brought this discrepancy to the attention of the Public Trustee and asked that the method of calculating the fees be reviewed. Following a review, I was advised that the fees were in fact calculated incorrectly. As a result, a cheque was forwarded to the complainant providing a refund of the over calculation of fees.

85-110-46 **Attorney-General**

Unable to obtain Court transcript.

A letter was received from an individual expressing concern over the apparent discrepancy between a court hearing transcript, supplied to him by the Manitoba Court Reporters' Office, and his recollection of the court proceedings. He drew to our attention a number of irregularities he had discovered and wondered whether there existed other irregularities which he had not identified because of lack of recall.

Our office attended at the office of the Official Court Reporter to listen to the tape recording of the court proceeding. We compared the tape with the transcript provided. Upon such a comparison, we found a num-

ber of minor discrepancies, such as the omission of an "an" or "a" or "the". More significant was the omission of a small portion of the proceedings immediately prior to a break in the trial. We were advised that this omission was an error on the part of the reporter. A further alteration was found where the tape indicated that the judge had said at the trial "a fine of \$1,000.00" but the transcript indicated \$500.00. What had happened is that the reporter, when transcribing the tape, made a correction so that the amount used was \$500.00 rather than \$1,000.00 because the judge had misspoken himself. Earlier in the proceedings, the judge had stated that the maximum fine was \$500.00 (which was the correct amount) and therefore, when he later said \$1,000.00, he had actually meant to say \$500.00. The court reporter, rather than printing the judge's mistake, substituted the correction.

The information provided to our office by the Chief Court Reporter's Office is that making changes which they call "editing" is an acquired skill and that substantive changes are not made. They feel that judges would agree that commonsense editing should take place. However, when a reporter is in doubt, no "editing" should be done. We felt that the changes made were not of a nature to cause our complainant a grievance and, therefore, in this case we did not take any further action.

86-110-50 **Attorney General**

Alleges improper conviction for traffic offence.

A complaint was received from an individual alleging that the date for his appearance in court, over a speeding ticket, had been changed without his knowledge, with the result that he was convicted of the offence without an opportunity to defend himself.

Initially a trial date had been set for a time in early September 1986. By reason of a Crown witness being unavailable for the date chosen, the Crown changed the date to early October and notified the complainant of this. The complainant however, could not attend that court date as it conflicted with his work schedule. He obtained a postponement until the end of October. A week before this new trial date he received in the mail a notice of conviction regarding the offence.

The complainant wrote to our office objecting to the apparent denial of his right to defend himself. We wrote to the Office of the Attorney General to make inquiries. As a result of bringing this matter to the attention of the Attorney General's Department, we were informed that there had been an internal administrative mix-up which had caused a conviction to be entered in our complainant's absence. For this reason, the Department ordered that the conviction be removed from our complainant's driver's record and no further action was taken by the Department regarding this matter.

However, on December 16, 1986 we received a telephone call from the complainant indicating that the conviction appeared not to have been removed from his record by reason of the fact that a merit point was missing from his new Driver's Licence renewal form. Our office telephoned the Driver Records Branch of the Motor Vehicles Branch and the Attorney General's Department to inquire further into this matter. The Attorney General's Department indicated that they would take immediate action to have the conviction removed from the complainant's record. After a reasonable time we inquired with the Motor Vehicle Branch and confirmed that in fact the conviction had been removed from the complainant's record. In light of the action taken, we closed our file as resolved.

85-120-37 **Manitoba Boards,
Commissions and
Committees
Manitoba Telephone
System**

*Dispute over location of telephone
pedestal.*

We received a complaint from an individual who raised concerns regarding the location of the telephone pedestal on his property. Our complainant stated that the dispute over the location of the pedestal involved both the Manitoba Telephone System (M.T.S.) and the builder of his home.

We were advised that, when the cement pad for the driveway was originally poured, the pedestal was located such that it obstructed the ability to proceed up the driveway. The homeowner had originally brought this situation to the attention of M.T.S. and the home builder and, following negotiations, the pedestal had been moved to a location between his driveway and his neighbour's. At this point, the homeowner approached our office as he felt the new location of the telephone pedestal was as awkward as the previous location. The homeowner advised us that either his vehicle or his neighbour's vehicle could very easily hit the pedestal when entering or exiting the driveway. The homeowner felt the chances were even greater in the wintertime when both driveways were covered with snow and ice.

The homeowner indicated that he had discussed the location with Manitoba Telephone and had been informed that, although they agreed that the position of the pedestal was not appropriate, they would not move the pedestal without an agreement by either the homeowner, home builder or both to cover the cost. Reportedly, M.T.S. indicated that they did not feel it was their responsibility but that it was the responsibility of the home builder to pay the cost to move the pedestal. Our complainant then informed the home builder of the information he had received from M.T.S. The home builder advised that

they did not feel it was their responsibility but rather that it was the responsibility of M.T.S. Our complainant indicated that he felt he was caught in the middle, in that both parties were telling him that it was the other's responsibility and yet nothing was being done. In addition, he questioned why this location was approved in the first place if M.T.S. agreed that the pedestal is inconveniently placed.

Enquiries were made with M.T.S. to determine who made the decision as to where the telephone pedestal would be located. We were advised that, in May 1985, Manitoba Telephone was contacted by the home builder who requested that the pedestal, located at the front of the homeowner's lot, be relocated. The home builder advised M.T.S. that the homeowner had requested that the house plan be reversed, which resulted in the driveway being located on the south side of the lot. According to M.T.S., this request was followed up by a field trip with an M.T.S. representative and the home builder in attendance, resulting in agreement to move the pedestal to the south property line, with the home builder paying the cost. Following this meeting, authority was given in June 1985 for the pedestal to be moved and, work was completed in August 1985.

Our office was informed that, upon completion of the work, our complainant called M.T.S. to complain about the location of the pedestal. M.T.S. indicated that they had advised the homeowner that the home builder had approved the new location and that, if he had any complaints, he should contact the home builder. Apparently, the home builder ignored his complaint and, therefore, our complainant asked M.T.S. to look further into the matter. In response, the home builder was contacted, and M.T.S. was advised that the home builder would deal directly with the homeowner and, hence, M.T.S. made no further contact at that time with the homeowner or the home builder.

In response to our enquiries, we were also advised that, at the time of the field visit to the property site, locating of the pedestal to the north property line was mentioned to the home builder's representative. However, M.T.S. postulated that, possibly because of the cost, the present location had been selected.

M.T.S. indicated that they would relocate the pedestal, for cosmetic reasons, to the north property line, if either or both parties agreed to cover the cost. We discussed the information we had received from Manitoba Telephone with the homeowner. My Investigator also inspected the location of the telephone pedestal and agreed with both the Telephone System and the homeowner that the telephone pedestal was not located in a very convenient location.

We informed the homeowner that it appeared that the home builder had made a decision to locate the pedestal in its present location based on cost factors. Our

homeowner agreed with our analysis; however, he still felt that M.T.S. should have the power to tell the home builder not to locate the pedestal to its present location, if they now agreed that it was a poor location. Our homeowner also felt that M.T.S. should have involved him in the decision as to where the location of the pedestal would be.

We made further enquiries with M.T.S. regarding our homeowner's concerns. We were advised that the home builder is buying the services of M.T.S. and that the contract to locate the pedestal exists between M.T.S. and the home builder. M.T.S. indicated that, although they may advise the home builder as to the most suitable location, the final decision and cost rest with the home builder. Once the pedestal has been located to the spot approved by the home builder, M.T.S.'s responsibility in the matter ceases. After careful consideration, we decided that the actions of M.T.S. in this matter were reasonable and that the homeowner and home builder would have to resolve this dispute.

86-140-45 **Department of Community Services**

Feels Department unfairly terminated contract with support workers of mentally handicapped adults.

Our office was approached by a couple who felt that the Department of Community Services had unfairly terminated their contract to act as support workers for two mentally handicapped adults. In trying to straighten out the various issues which were involved, the couple had been in contact with both the Department of Community Services and the Public Trustee's Office. Consequently, in response to the concerns our complainants raised, we made enquiries with both these jurisdictions.

We were advised by the Department of Community Services that, upon the death of the mentally handicapped adults' mother, her children required assistance to live in the home in which they were residing prior to their mother's death. It is my understanding that one of the executors of the mother's estate suggested that our complainants could be potential part-time service providers. The Department of Community Services advised that our complainants presented themselves as being knowledgeable in the care of handicapped persons and expressed interest in providing service to the two mentally handicapped adults with the eventual possibility of fostering them in their home. I note that our complainants volunteered many hours of service prior to a letter of agreement being drawn up which allowed our complainants to act as support workers for the adults for a period of approximately five and one-half months.

We were advised, however, that, soon after the implementation of the agreement, our complainants notified the Department of Community Services that the

executor was interfering with the care they were providing to the two mentally handicapped adults. Our complainants indicated that the executor was trying to alienate and confuse one of the individuals by making accusations that our complainants were trying to poison the two individuals, trying to beat them up, steal their possessions, and that our complainants had no other motive in providing care to the two individuals other than to take over the estate for our complainants' own benefit. The Department indicated that they had been advised that our complainants were being harassed and threatened with bodily harm if they did not cease to be care providers for the two mentally handicapped adults.

The Department advised our office that they noticed the controversy surrounding the whole issue was affecting one of the mentally handicapped adult's behaviour. Apparently, she was quite confused as she was receiving conflicting messages from our complainants and the executor. We were advised by the Department of Community Services that a meeting was held, attended by employees of the Public Trustee's Office and the Department of Community Services, our complainants, and the executor. We were informed that, at that meeting, the executor was requested to refrain from visiting the two mentally handicapped adults for a period of time so that our complainants would have an opportunity to provide service to them. The Department indicated that, at the meeting, they had been very supportive of our complainants as care providers and had wanted them to remain as care providers for the two mentally handicapped adults.

We were made aware by the Department that, following this meeting, the executor did not comply with the request to refrain from visiting and, according to our complainants, continued to interfere and harass our complainants to the point that, in one instance, the police were involved. Reportedly, in the interests of safety, our complainants were asked by the Department to withdraw their support pending the resolution of the disagreement between our complainants and the executor. I note that our complainants were advised of this by way of a meeting and a letter of confirmation, at which time they were advised that this action did not reflect on the quality of service they were providing, but that it was based solely on the disagreement which existed between the executors of the estate and our complainants.

We were informed by the Public Trustee's Office that the executors' counsel was advised to inform the executors that they should not interfere with the care plans made for the two mentally handicapped adults, and that their duty was to maintain the estate of the adults' mother.

Approximately one and one-half months later, a further meeting was held with staff from the Public Trustee's Office, the surviving executor of the estate, and friends and relatives of the mentally handicapped adults' mother, at which time the care being provided to the two individu-

als was discussed with the Department of Community Services. I note that, at that meeting, it was the Department's intention to introduce our complainants back to the situation as care providers. However, we were advised that the executor and the family network were opposed to this idea. It was apparent to the Department that it would not be in the best interests of the two mentally handicapped adults, or of our complainants, for them to return as care providers and, therefore, our complainants were requested not to return.

Upon review of the information provided by our complainants, the Department of Community Services, and the Public Trustee's Office, it would appear that a decision had to be made regarding the care being provided to the two mentally handicapped adults. Prior to making this decision, I note that the Department of Community Services had made appropriate attempts to resolve the conflict which surrounded the care being provided to the two mentally handicapped individuals. As it appeared that the conflict would not be resolved, the Department felt that, in the best interests of its clients, our complainants should not be asked to return as care providers.

This was a very difficult situation. It was reasonable to expect the family would continue to take an interest in the care of their mentally handicapped relatives. The family, however, was concerned over the choice of care workers and, in fact, could not get along with the care workers. It was also apparent that the individuals who were suffering from this conflict were the mentally handicapped individuals.

Accordingly, it would appear that the Department, in acting on what it felt to be the best interests of its clients, was not unreasonable in terminating our complainants' contract as care providers. Therefore, I was unable to make any recommendation on our complainants' behalf.

86-140-55 **Community Services**

Inmate alleges inappropriate medical treatment.

A complaint was received from an inmate at a Correctional Institution concerning the response he received from staff at the Institution regarding his medical condition.

We interviewed various staff and inmates at the Institution in order to ascertain the series of events that led up to our complainant's concern. We were advised that the inmate was examined on a Friday by the physician on contract to the Institution, and in response to the medical concerns the inmate had raised, the physician had ordered medical tests. Reportedly, the following Tuesday the nurse at the Institution carried out the necessary procedures for the medical tests. Our complainant advised us that, at that time, he had indicated to the nurse that he had not been feeling well during the weekend.

The inmate said he had been advised by the nurse that he had missed the doctor's rounds that day and that, if he was not feeling any better the next day, she would contact the doctor.

The inmate advised us that, later that night, he had again not been feeling well. He indicated that he approached a Correctional Officer in his sub-unit and had asked the officer to take him to the Emergency Department at the local hospital. In response, the Correctional Officer had called the Duty Officer who had spoken with our complainant. The Duty Officer had advised the inmate that he would not be taken to the Emergency Department and that he should take two aspirins and go to bed. Our complainant indicated that the next morning he had approached the nurse for his medication. He indicated that he had advised the nurse of his medical condition on the previous night. The nurse made arrangements for our complainant to see the physician.

Our office felt that the matter of the inmate's interaction with Correctional staff during the evening, as it related to his medical condition, should be reviewed. The Standing Orders at the Correctional Institution for circumstances where nursing assistance is unavailable were reviewed and we noted that, where an inmate complains about a medical problem, a Duty Officer, subject to his evaluation, could render first aid, contact on-call nursing staff, or remove the inmate to the Emergency Department at the local hospital.

Following enquiries with the Institution, we received further clarification on the Standing Orders. We were advised that if, in the opinion of the Duty Officer, it did not represent an acute emergency, an escort would take place as soon as staffing patterns permitted.

Our office was concerned that a non-medical person, the Duty Officer, was being required to make a medical judgment on an inmate's medical condition and being required to assess whether an inmate's medical condition required immediate medical attention. Accordingly, we raised this concern with the Department.

Our office was advised by the Department that, upon a review of the manner in which the inmate's complaints had been dealt with on that night, as well as Institutional policy, the Department felt that the Duty Officer could have been more attentive and sympathetic to our complainant.

Our office was also advised that the Institution had reviewed procedures with the Duty Officer in question and, to clarify procedures for other staff at the Institution, a directive had been issued to the effect that if, in the Duty Officer's opinion, an immediate escort to the hospital is required, it should be accomplished forthwith. However, if, in the opinion of the Duty Officer, the inmate's medical condition did not present an acute emergency, an escort will be furnished as soon as staffing patterns permit.

Following our review of the Department's response, we were still of the opinion that a non-medical person was being required to make medical assessments and decisions on medical matters. Accordingly, our office met with the Assistant Deputy Minister to further discuss our concerns. We were advised that some institutions in the province were unable to provide 24-hour on-site medical coverage. We were advised by the Department that, in most cases where medical complaints are received from inmates, staff at the institution would be required to make a judgment call but that staff would err on the safe side and would usually send inmates to an emergency medical facility. We were advised that, if a decision was made not to send an inmate to a medical facility and there was no nurse available to provide medical attention, the inmate's medical condition would be monitored at regular intervals.

Our office further discussed the matter with medical personnel in the Department and noted that the medical personnel were questioning the appropriateness of having Correctional Officers make medical assessments. However, we were advised by medical personnel that, due to budget constraints, some institutions were unable to provide 24-hour on-site medical coverage.

Our office further discussed with medical personnel the monitoring of inmates once a decision has been made not to transfer the inmate to an emergency facility. Our investigation did not show that, in our complainant's case, his medical condition had been monitored on a regular basis after the decision had been made not to send him to an emergency facility. The medical personnel noted that it would be appropriate to monitor an inmate's medical condition until such time as medical staff were available.

Notwithstanding the above information, I advised the Minister of the Department of Community Services that our office was still of the opinion that it was inappropriate for Correctional staff to be required to make a medical assessment, although we recognized that staff and budget restrictions might prevent institutions from being able to retain medical personnel on a 24-hour basis. I indicated to the Minister that it might be that the matter required a more thorough review to determine whether or not there were more reasonable options, such as on-call medical personnel, etc. As well, I indicated that it might be appropriate to initiate a procedure involving the monitoring of an inmate on a more frequent basis should the Department feel it was not unreasonable for non-medical personnel to make decisions regarding an inmate's medical condition.

In response to the concerns I raised, the Minister provided me with her comments. The Minister indicated that she was aware that non-medical staff were being required to make judgment calls about inmates' medical complaints due to the inability of institutions to provide 24-hour on-site medical coverage. The Minister indicated that the

practise, to date, had worked reasonably well, and it was the Department's impression that this was because staff took the matter seriously and did their best to ensure an inmate's well being. The Minister advised that a change in Standing Orders with respect to frequency of monitoring individuals with medical complaints was being initiated.

We reviewed the amended Standing Orders and observed that, where an inmate complained of a medical problem, the following actions would be considered. The Institution could provide first aid, the Institution could contact the nurse on call and/or refer the inmate to the Emergency Department at the local hospital, or the Institution could monitor the inmate every 15 minutes until a medical assessment from qualified personnel was available.

Although our office is not entirely satisfied with the involvement of non-medical personnel in making decisions regarding medical matters, we realize that departments are under budget constraints and cannot always provide the optimum service. However, it would appear that, in this situation, the Department did attempt to ensure inmate well being by instituting regular 15-minute monitoring when a medical assessment was not available for inmates.

86-140-70 **Community Services – Vital Statistics**

Request for amended birth certificate denied. (The case of "Mother Knows Best")

A complaint was received from an individual who advised that he had approached the Department of Vital Statistics with a request to alter his date of birth and his request was denied.

In providing some background information, the complainant advised that during a national registration in 1940 he was unaware of his actual date of birth and inadvertently registered as being born on May 3rd, 1923. At the time of bringing this matter to our attention he believed his actual date of birth to be May 3, 1921 and it is for this reason he had contacted the Department of Vital Statistics and requested a change of his date of birth.

In the course of my investigation discussions were held with the Director of Vital Statistics as well as with various personnel in the Manitoba Health Services Commission and the Motor Vehicles Branch. My investigation was not only limited to the related agencies within the city but also extended to agencies outside the city to include the Ministry of Transportation and Communications in Kenora, Ontario.

The Director of the Department of Vital Statistics advised that requests for alteration of a person's date of birth are

generally reviewed on the basis of the evidence provided to substantiate the appropriate amendment. If sufficient proof is provided in support of the change, the date of birth will be altered. Our review of this situation with the Manitoba Health Services Commission, various school registers and driver's licencing authorities in Manitoba and Ontario provided inadequate results.

In reviewing this matter with the Department, I was advised that the decision to deny the complainant's request to alter his date of birth was based on the fact that he could provide no supporting documentation such as a birth certificate or baptismal registration to substantiate his request. In addition, the Department had information in their files in the form of a statutory declaration by his natural mother attesting that he was born not in the year 1921 nor 1923 but instead on May 3, 1922. This declaration was made in the year 1940 in the presence of a Commissioner of Oaths and witnessed by two other persons.

On the basis of the information reviewed and in light of the sworn declaration by the complainant's natural mother, it was felt that the decision to deny the individual's request to change his date to May 3, 1921 was not clearly wrong or unreasonable and as a result I was unable to make a recommendation on the complainant's behalf.

86-200-4 **Department of Education**

Student alleges unfair dismissal.

I received a complaint from a student concerning his dismissal from a Community College, which he held to be unfair. The student provided us with a letter from the College which indicated that his dismissal was based on his behaviour which was disruptive and seemed likely to cause a danger to the College community. It was noted that the College required that the student undergo a psychiatric assessment before re-admission would be considered. The student advised that he felt that the dismissal was unfair and that the requirement of having to undergo a psychiatric assessment prior to re-admission was discriminatory. Enquiries were made with the Community College and a response was received.

Following the College's response, our office conducted a series of interviews with staff members at the College, members of the students' association, the Manitoba Government Employees Association, our complainant and his wife.

From our interviews, it was not clear that our complainant represented a danger to the College community. As well, there appeared to be a number of incidents where our complainant's interpretation of encounters with personnel at the College differed from the interpretation of these events by College personnel.

While our office was conducting its investigation, our complainant approached the Department of Education. After meeting with our complainant and his wife to discuss the situation, the Department agreed that an independent review of the facts and events surrounding the situation at the College would be undertaken. The Department appointed a review team and a review was completed. Subsequently, our office received a copy of the review team's written report.

The review committee advised that no further action should be taken by the Department of Education regarding our complainant's dismissal, and that the College should continue in its efforts to clarify some of its appeal and grievance procedures. The review committee had indicated that, due to the highly emotional nature of the series of incidents, it had been difficult for the committee to reconstruct the situation and evaluate the performance of the various participants.

Upon assessment of the review committee's report and interviews with the Chairperson of the committee, it was acknowledged that, due to the highly emotional nature of the series of incidents, it was difficult for the committee, as well as our office, to reconstruct the situation and evaluate the performance of the various participants. Our office, therefore, needed to determine what the focus of our investigation would be. Consequently, we decided to review the concerns that our complainant had presented from the point of view of whether, prior to the decision being made to dismiss him from the college, he was given an adequate opportunity to respond to the allegations against him; whether the matter was heard in an unbiased manner; and whether the decision made was fair and reasonable.

It was difficult for our office to determine whether the complainant had been given the opportunity to be heard prior to the decision being made to dismiss him. Although our complainant had been in constant contact with the administration at the College, it appears that these discussions centered around whether an academic appeal was going to be held to review marks he had received in various courses. In fact, our complainant advised our office that he was under the impression that his dismissal was directly related to the five appeals he had put through the students' association to have examinations and presentations reread. Our complainant did not appear to know about the incidents which caused the College to conclude his behaviour was disruptive and likely to represent a danger to the College.

Following his dismissal, our complainant had engaged a lawyer, and he advised us that his lawyer had found out there had been a complaint against him by students who had personal fears of him. In addition, as mentioned before, the letter handed to him by the College only indicated the reason for his dismissal was that his behaviour was disruptive and seemed likely to represent a danger to the College community.

At this stage, our office reviewed the opportunity our complainant had been given by the Department of Education (through the review committee which was appointed) to respond to the allegations against him. Upon review of the committee's findings, our office was satisfied that the committee had conducted a meaningful review of the decision by the College to dismiss our complainant and that our complainant had been given the opportunity to be heard in an unbiased manner without any prejudging of the issue.

Our office noted that the committee had met with various parties involved in the decision to dismiss our complainant and seemed to give equal consideration to the interests of all parties. Our complainant did receive a copy of the committee's findings which disclosed some of the considerations and reasons why they felt the decision to dismiss was appropriate.

From our office's review, it did not appear that the decision of the committee was wrong or unreasonable, and we reported our assessment of the decision to our complainant.

Our office also dealt with the requirement that, prior to consideration being given to re-admitting our complainant, he provide written assurance from a psychiatrist that his behaviour would be appropriate for attendance at the College. Our office noted that, upon review of the report submitted by the committee, the committee did not comment upon this requirement. We raised this matter with the Chairperson. We were advised that the requirement for a report from a psychiatrist had been discussed and that, although the committee felt uneasy about this requirement, the committee could not put themselves into the situation of the people who were involved in making this a requirement. The committee was aware that both a lawyer and a psychiatrist had indicated that the action was appropriate. Upon making further enquiries with the President of the College, our office was advised that our complainant's behaviour had been described to a psychiatrist who had then given a general assessment of our complainant.

I was concerned with the possible stigma attached to requiring a person to submit psychiatric assurances and felt that some formal guidelines were needed to ensure that a reasonable method would be followed for determining the need for psychiatric assessments. I felt that the method followed in our complainant's case was questionable.

Our office also reviewed the appeal procedures for students who might be dismissed from the College. I note that, in the Student Handbook, the appeal procedure for academic questions was outlined, but only a brief outline of the procedures governing student conduct was dealt with in the College Rules and Regulations. The Rules and Regulations stated that, if a student did not follow the general discipline guidelines of the College, he/she could

be asked to leave at any time. Students whose behaviour seemed likely to represent a danger to any member of the College community or to result in damage to College property would be subject to disciplinary action and would be dealt with by administrative personnel.

My office further investigated whether there were any other existing routes for appealing on non-academic grounds, and we were advised that, other than the route noted above, the College did not have an established procedure for appealing actions of the College on non-academic grounds. However, our office was advised that a committee was reviewing this subject.

We reported our office's findings to the Deputy Minister of Education and indicated that it would seem appropriate that an appeal route be established for concerns of a non-academic nature, which would ensure consistency and equity of treatment. We also indicated that we would be interested in being apprised of any considerations being given to establishing an appeal route on non-academic grounds.

The Deputy Minister responded to our report and noted our concerns, particularly the need for an appeal route in cases of dismissal. We were advised that the Department was also prepared to explore the possibility of a procedure for determining the need for a psychiatric assessment.

The Department, subsequently, advised our office that a College Review Committee had developed a grievance procedure for students to seek redress for complaints on non-academic matters such as alleged misconduct and discrimination. We were advised that the procedure encourages the student to discuss his/her situation with departmental staff wherever possible and, if the matter remains unresolved, the student may present the complaint to the Chairperson of the grievance board who will review the grievance and may call the grievance board into session. Our office noted that the outcome of the Chairperson's review and the decision as to the convening of the board would be communicated to the student in writing within five College working days. We were advised that the decision is final and that, should the grievance board be held, the student would be called to appear and present his/her case.

I received further communication from the Chairperson of a committee at the College which was formulated for the purpose of recommending a College health policy to the executive committee at the College. I was asked to comment on the committee's second draft of its recommended policy. I advised the committee that the Ombudsman is always pleased to have the opportunity to offer comments on any proposed policy, regulation, or legislation, particularly since we are in the unique position of investigating complaints which may arise from such and, hence, may have a very practical viewpoint to offer.

However, I also clearly stated that, because the Ombudsman may offer some advice or suggestions concerning policies, this does not mean that any policy subsequently developed automatically has been given a clean bill of health by the Ombudsman. I further pointed out that, as everyone is aware, problems may very well develop with even the most well-thought-out and researched policy once that policy is put into practise. I indicated that my office must always remain available to investigate grievances that involve matters of administration, even if those matters relate to policies concerning which the Ombudsman may have offered some advice during the formative or evaluative stages.

I commended the Committee for attempting to establish a policy to provide thoroughness and consistency when dealing with health problems of College students. I noted that it is a very difficult task to undertake because, while attempting to provide consistency in handling health problems, one must at the same time be careful not to inadvertently and unnecessarily discriminate against students who have particular health problems. I believe the key is to be certain that the health problem under consideration is, in fact, a bona fide problem which may prevent a student from performing safely in the course of his/her choice or from functioning within College safety standards. I also made comments regarding the non-academic appeal procedure as it related to health problems. I indicated that I had a concern with the discretionary power of the Chairperson of the grievance board to call the grievance board into session if circumstances warrant. As I indicated previously, the outcome of the Chairperson's review and the decision as to the convening of the board is final. I indicated that this might lead to students, who feel that they have a legitimate grievance which, in their opinion, should be heard by the grievance board, being denied that opportunity if the Chairperson reviews the matter and decides against convening the board. While I indicated that I would have some questions about this situation generally re non-academic complaints, I advised that I would have particular concern about this procedure for complaints relating to health problems, as it presents the opportunity for one person (the Chairperson) to improperly discriminate, or be falsely accused of improperly discriminating, against a student because of his/her particular health problem. I suggested that, in my opinion, if a student launches an appeal because of being affected by the health policy, a hearing by a grievance board should be mandatory and not left to the discretion of the Chairperson. The hearing before the grievance board would then, of course, give the student the opportunity to appear and present his/her case.

I am pleased to note that the College has chosen to develop more concrete appeal procedures for students whose behaviour is considered to be inappropriate for college life. In light of the rather difficult and sensitive case our complainant presented to us, it would appear that the

formulation and implementation of these policies came at a very timely period in the College's history. Although our complainant's concerns regarding unfair dismissal were not supported, the College was able to learn from the situation which they underwent prior to and following the student's dismissal. I was pleased to note that the outcome of the Department's and our investigation was that a more formal appeal procedure was implemented to assist the College to effectively handle problems of a non-academic nature.

85-230-3

Employment Services and Economic Security

Employee of a training plant alleges conflict of interest.

Our office received a letter of complaint from a former employee of a training plant which provides basic skills and instruction in conjunction with the manufacture of wood, metal, and sign products for Manitoba Government Departments. The former employee alleged that the plant manager utilized the resources of the plant for personal benefit. The employee also advised that personal duties in community related activities were performed on company time. In addition, the employee suggested that there might be preferential treatment given to some of the staff members. In particular, our employee questioned whether two of the trainers at the plant had the necessary credentials to be employed in their positions. Our complainant also indicated that staff used a harsh and threatening manner towards trainees.

Due to the nature of the complaints raised by the former employee, I referred this matter to the attention of the Deputy Minister of Employment Services and Economic Security for review. Our office received a reply from the Deputy Minister, and we were advised that the matters were discussed with Departmental senior staff who had investigated the allegations.

We were advised by the Deputy Minister that, while the training plant is run with high expectations and with attention to punctuality, diligence, and perseverance, the philosophy of the plant was that it should not be operated in a manner which is harsh or threatening to trainees. The Deputy Minister advised that their investigation had not revealed any evidence to support the former employee's allegations of staff using a harsh and threatening manner towards trainees. We were advised that, in the past two years, only three complaints had been received from trainees about plant instructors, and two of these complaints had been against our complainant.

The Deputy Minister further advised that they had obtained no evidence to substantiate that the plant manager utilizes the resources of the plant for his personal benefit. Their investigation had revealed that, in instances where articles had been sold or work done in the plant for relatives or acquaintances of the plant manager, the plant

had recovered the full cost of any materials used and had been charged a rate in excess of that charged to other Government Departments. The Deputy Minister advised that the plant manager had evidence to this effect in writing.

The Deputy Minister advised that, although the plant manager was active in public and community service, there was no indication that he was using Government time to pursue his personal or community related activities. Apparently, a Toastmaster Club met at the plant on a regular basis after normal working hours, but neither the plant manager nor staff participated in this activity during working hours.

We were advised by the Deputy Minister that he had no reason to believe that the plant manager gave preferential treatment to some members of the staff. The Deputy Minister indicated that, although it was true that the plant manager might spend more time with some employees who needed greater supervision, the plant manager had spent more time with our complainant than with any other staff member.

We were advised that both employees whose credentials had been questioned by our complainant, had the necessary credentials to carry out their responsibilities. The Deputy Minister advised that they were both hired through the regular Civil Service competition process.

In light of the discrepancies which existed between the information we had received from our complainant and the Deputy Minister, it was felt that further investigation was required. However, our office was experiencing a backlog situation which, unfortunately, resulted in some delays in carrying out this investigation. Eventually, with the addition of new investigative staff, this case was reassigned to one of the new Investigators for follow-up. The Investigator toured the training plant in question and met with the plant manager and the Personnel Manager for the Department. Upon the completion of my Investigator's further enquiries, a report was completed and I presented the results of our investigation to the Deputy Minister.

In my report to the Deputy Minister, I referred to the complainant's allegation that a harsh and threatening manner was used by staff towards trainees. I indicated that, upon review of the information cited by our complainant and the Department, it was difficult to determine what had actually happened. However, I advised that it would appear that, in an effort to resolve these problems, the Department had investigated incidents where staff had allegedly used inappropriate behaviour towards trainees.

Regarding the concern our complainant had raised with the credentials of two of the training plant's staff, I advised the Deputy Minister that, upon review of the Civil Service competition process which was used to hire the two individuals, I noted that the employing authority had de-

termined that a Journeyman's Certificate or equivalent, with several years' experience in woodworking, was indicated as being a requirement when the positions were advertised. From a review, I indicated that it would appear that the Selection Committees involved in the hiring of the two individuals felt that these requirements had been met. Our investigation revealed that these requirements were followed and impartiality was maintained when the two individuals were hired.

In addition, our complainant expressed specific concern over the ability of the two individuals to read or write English. We advised the Deputy Minister that it appeared that this would have been a matter for consideration by the Selection Committee. From our review, it is apparent that the Committees felt that the abilities of the two individuals were suitable to perform the duties of the respective positions. At this point, I did not feel I was in a position to substitute my opinion for that of the Selection Committee. Notwithstanding the above, our office was advised by the Department that the plant manager had identified the need for one of the individuals to improve his knowledge of the English language and, accordingly, the individual was participating in the Toastmaster's Club, as well as taking a writing course at a Community College. I indicated to the Deputy Minister that a similar need had not been identified by the plant manager in the second individual's case.

In my report to the Deputy Minister, I referred to the allegation that the plant manager had utilized the resources of the plant for his personal benefit and that he performed personal and community related activities on Government time. Our complainant had cited a number of instances and I briefly dealt with each of these in my report to the Deputy Minister. I indicated to the Deputy Minister that, upon review of these incidents, there was a lack of invoices and work orders for some of the jobs which had been undertaken in the training plant. We indicated that discussion took place with the plant manager and that we were advised that he realized there was not a clear enough understanding amongst his staff of how documentation of work done is to be completed. We were advised by the plant manager that a procedure did exist at the training plant where an Order Number was given to a job to be completed. However, the plant manager advised that he realized that the training plant needed to be more rigid about this practise and make sure it applied to each case.

In light of some discrepancies which existed between work which was completed and how this work was paid for, I felt that a more thorough audit of the financial and administrative procedures at the training plant was warranted. Therefore, I recommended that the Department conduct an audit to ensure no improprieties occurred and to assist in identifying any changes in financial administrative procedures which might be necessary.

I also recommended that consideration be given to developing a policy to determine who has access to services at the training plant and that guidelines should be developed which would list criteria which could be applied in determining whether a project would be completed at no cost or whether the customer would be charged.

In response, the Deputy Minister advised that the philosophy of the training plant is to provide diversified work experience to the trainees and, in part, as a community relations gesture, the plant had, from time to time, provided products and services to the town or other community organizations for a nominal charge, or at no charge. However, the Deputy Minister indicated that the Department could appreciate that gestures, such as these, could lead to complaints of inconsistent treatment and, therefore, as I suggested, the Department was in the process of developing a more precise policy on how to prioritize such requests and what charges would be assigned to this work.

The Deputy Minister also advised that staff had been permitted to purchase products at cost and, on rare occasions, to have small items of furniture refinished, as this provided trainees with work experience that was not available through the plant's usual product lines. The Deputy Minister indicated that, as this might be interpreted as an improper benefit to staff, the Department had requested that this practise cease.

I was advised by the Deputy Minister that the Department's Financial Administrative Services branch had been requested to arrange for an audit of the plant's operation, with a view to rectifying any existing deficiencies in its financial and administrative procedures.

We received the training plant's revised policy regarding the availability and pricing of the plant's products. I reviewed this policy and noted that no work orders were to be accepted by plant staff without first being approved and assigned a number by the plant manager. In addition, any requests by local government or community organizations to provide products and services at a nominal cost would be reviewed and approved by the plant manager's supervisor.

I responded to the Deputy Minister and indicated that the actions taken by the Department and the internal policy developed for the training plant were consistent with my recommendations, and I felt that these steps would help to prevent the recurrence of similar complaints. I advised the Deputy Minister that we would be concluding our file, showing that the matter was resolved; however, I indicated that I would still appreciate receiving a copy of the report which would emanate from the audit to be undertaken.

In response to my correspondence with the Deputy Minister, I subsequently received a copy of the audit observation report which was conducted of the training plant. I reviewed the report and was particularly interest-

ed in noting that the auditors felt that their over-all review indicated that "the plant is well organized to operate efficiently and effectively, and staff are knowledgeable of their responsibilities and undertake same in a conscientious and timely manner". I also noted that one of the main concerns of the auditors was that the accounting system, in respect to material and product inventories, did not provide adequate documentation. The auditors felt that the absence of proper documentation made it extremely difficult to determine whether accountability had been maintained over the assets. However, I also noted that the findings were presented to the plant manager and a commitment was made to completely review the manual procedures and computer processes in this area, with a view towards implementing the specific recommendations of the auditors. The Deputy Minister advised that some of the proposed changes would entail relatively extensive adjustments to procedures which would be scheduled over several months to ensure smooth and effective implementation and to minimize increased demand on resources.

I responded to the Deputy Minister and advised her that it would appear that implementation of the recommendations made in the audit report would certainly enhance the efficiency and effectiveness of the plant's administration.

I was especially pleased to note during this case that, upon receiving our recommendations, the Department took immediate action to thoroughly audit the training plant, and such action yielded positive results.

86-250-4

Manitoba Finance – Retail Sales Tax Branch

Disagrees with decision not to refund retail sales tax.

Our complainant advised that his wife had won a 1986 Cadillac through the purchase of a Super Lotto ticket. Within the same month of winning the Cadillac, they sold their 1984 Chrysler New Yorker. It was our complainant's position that they should also be eligible to receive a retail sales tax refund in view of having sold their Chrysler within six months after winning the Cadillac.

Our complainant contacted the Retail Sales Tax Branch, and was advised that the amount of tax refundable under existing legislation is computed on the lesser of, either the selling price of the vehicle sold or the taxable value of the vehicle purchased. The Department's position was that since our complainant had not purchased the 1986 Cadillac, nor paid the retail sales tax as required by the refunding provision, the request for a sales tax refund had to be denied.

Subsequent to receiving our complainant's concerns, the Director of the Retail Sales Tax Branch was notified of the concern received and a report on the matter was requested.

It was confirmed by the Department that our complainant did not qualify for a retail sales tax refund because the tax on the Cadillac was paid by the Western Canada Lottery Association and not by our complainant. In this regard Section 31 of Revised Regulation R150-R1, being a regulation under The Retail Sales Tax Act, states:

"31 Where the minister receives evidence satisfactory to him that a person

- (a) who purchased a vehicle that is required to be registered under The Highway Traffic Act with a trade-in; and
- (b) **who has paid the tax with respect to the vehicle purchased** as required under The Retail Sales Tax Act;

has within 6 months immediately preceding or immediately following the date of purchase, sold as part of a related transaction a vehicle owned by him, other than the vehicle used as a trade-in, that was required to be registered under The Highway Traffic Act, the minister may refund to that person a portion of the tax paid to him with respect to the vehicle purchased; but the amount of the refund shall not exceed the lesser of the tax paid on the vehicle purchased or 6% of the selling price of the vehicle sold."

(Emphasis added)

Upon considering the above noted regulation and the position of the Department of Finance which had been arrived at after consultation with their legal counsel, it was determined that the Department's position was not clearly wrong or unreasonable. Accordingly, our complainant was advised that we were unable to support his position that the Retail Sales Tax Branch of the Department of Finance had acted inappropriately on this matter.

86-320-4 **Department of Labour**

Feels Employment Standards did not take sufficient action regarding problem.

An individual wrote to our office indicating that she did not feel the Employment Standards Branch had done as much as they could regarding her claim for unpaid overtime wages from her past employer.

Our complainant advised us that an Employment Standards Officer had looked into her case and had indicated that there was not enough evidence to support her claim. According to our complainant, she then approached the Officer's Supervisor, asked him to open her case, and sent him a copy of her pay stubs because she had noted that the Officer's calculation of wages received did not match her pay stubs. Nevertheless, our complainant advised that the Supervisor indicated that there was still not enough evidence to pursue her case.

Upon receipt of her T-4 slip, our complainant realized that there was a discrepancy between the figures listed on her T-4 slip and the calculations which were prepared by the Branch. Our complainant advised that she contacted the Department and was told to contact Revenue Canada. Dissatisfied with this response, she contacted our office, advising that neither her pay stubs nor her T-4 slip matched the calculation prepared by the Employment Standards Branch and that a mistake must have been made somewhere. Our complainant wanted to know if she had been treated fairly.

We contacted the Employment Standards Branch, providing a copy of the relevant T-4 slip and requested a report on the matter. Subsequently, we received a report from the Branch indicating that a review of the file showed there was a lack of records available from the employer and the employee. It was indicated that the Branch could only draw conclusions based on the available information and that the conclusions were previously conveyed to our complainant by letter. In reviewing the letter previously received by our complainant, we noted that the Branch had advised that an audit of payroll records available showed that she was in fact overpaid, and no overtime was owing to her.

Despite the previous position taken, the Branch advised our office that, with the presentation of a copy of the 1985 T-4 slip, it was prepared to take another look at the matter to determine whether our complainant had been paid for overtime worked. Following further investigation by the Branch, we were advised that the matter was settled, with the employee agreeing to accept a cheque from the employer, in the amount of \$69.79 as full and final payment.

While we were satisfied that appropriate action was taken by the Branch after our office brought the matter to its attention, we could certainly understand our complainant's feeling that the Branch had not been open to hearing additional information from her prior to our involvement.

85-360-58 **Manitoba Public Insurance Corporation**

Unable to obtain licence to sell Autopac insurance.

My office received a letter from an individual who advised that his application for an Autopac agency licence was denied. Our complainant noted that his father who was an Autopac agent, had died in 1984. Following his father's death, the estate was granted an extension on his agency appointment in order to bring the insurance business to an orderly conclusion. However, when our complainant made application for the agency appointment it was refused by the Manitoba Public Insurance Corporation.

Our complainant advised that not only did he not receive an agency appointment, but also he was not allowed to write the general insurance examination. He advised that to write the examination, he would have to be sponsored by an existing insurance company. While attempts had been made on his part to locate a sponsor, he was unsuccessful in finding any insurance company which would act in this capacity.

Subsequent to receiving the written letter of complaint, our complainant advised in a telephone conversation that the Manitoba Public Insurance Corporation should be prepared to act as his sponsor in order that he could write the general insurance examination. He indicated that these exams had to be written to obtain the necessary approval to operate an insurance business in accordance with The Insurance Act.

Our office reviewed the legislation under which the Manitoba Public Insurance Corporation can grant an agency appointment. In this regard, Section 42(2) of Manitoba Regulation 332/74 under The Manitoba Public Insurance Corporation Act states:

"42(2) The Corporation shall not appoint any person as an agent unless that person is an agent licensed by the Superintendent of Insurance, under section 371 of The Insurance Act, to act as an agent in respect of the sale of automobile insurance."

From the above, it is clear that the Manitoba Public Insurance Corporation could not appoint our complainant as an agent, unless he had already been licenced as an insurance agent by the Superintendent of Insurance.

For our complainant to be licenced as an insurance agent by the Superintendent of Insurance, it is required that all applicants first have to take written examinations set by the Superintendent of Insurance. Furthermore, to be eligible to write the general insurance examination, an applicant had to be sponsored by a general insurance company. In this regard, Section 370(2) of Revised Regulation 140-R4 under The Insurance Act states:

"370(2) The application shall be approved in writing by at least one of the insurers to be represented, certifying to the good business reputation of the applicant and his qualifications for, and knowledge of, the business of insurance, and recommending the granting to him of a licence."

From the above, it is evident that if an applicant is unable to obtain a sponsor, the Superintendent of Insurance is unable to allow that applicant to proceed with the writing of a general insurance examination. It was also clarified during discussions with officials of the Manitoba Public Insurance Corporation that the sponsoring insurer had to be somebody other than the Manitoba Public Insurance Corporation.

Upon having reviewed the legislation and giving consideration to the information which was supplied to our office by the Manitoba Public Insurance Corporation, I had to conclude that it was not improper for the Manitoba Public Insurance Corporation to refuse our complainant an appointment as an Autopac agent. All available information indicated that our complainant simply did not meet the requirements of existing legislation in order to receive his desired appointment. Accordingly, my file was closed with the notation that we were unable to support the complainant.

86-410-7 **Workers Compensation Board**

Alleges unreasonable demands being placed upon complainant by Rehabilitation Counsellor.

My office was contacted by the wife and brother-in-law of a person who felt that the Rehabilitation Department of the Workers Compensation Board was making unreasonable demands relating to job searches. The letters provided to our office indicated that in the opinion of the individuals who were acting on behalf of the complainant, the interaction with the Rehabilitation Counsellor was such that it could be described as harassment and humiliation of the injured worker. It was alleged that while a Medical Review Panel, which had been convened by the Workers Compensation Board, had reached the decision that our complainant was totally disabled, the Rehabilitation Counsellor was demanding that the injured worker continue to engage in job searches.

In view of this decision by the Medical Review Panel, our complainant felt that it was inappropriate for the Rehabilitation Counsellor to be continually insisting that job searches be done. Furthermore, our complainant felt it also was not appropriate for the Rehabilitation Counsellor to advise that the benefits which he was currently receiving would be terminated unless he engaged in the required job searches.

A review of file documentation indicated that our complainant had suffered a back injury on February 19, 1979. Our complainant had submitted a claim to the Workers Compensation Board which accepted the back injury as a compensable injury and benefits were provided. Initially our complainant was in receipt of temporary total disability benefits. He was transferred to the Rehabilitation Department following which he attempted a light duty job on June 9, 1980. He was only able to perform his duties for approximately 15 days, following which he was placed back into the rehabilitation program.

A Medical Review Panel was convened on April 6, 1981 and it was the conclusion of the panel that our complainant was totally disabled by means of his accident of February 19, 1979. The panel felt our complainant

should be restored to temporary total disability benefits retroactive to June 4, 1980. It was also recommended that our complainant's case be reviewed from time to time by the Rehabilitation Department and that he be reassessed by the Medical Department in a year's time. File documentation indicated that on March 4, 1982 a Medical Officer at the Workers Compensation Board did examine our complainant and concluded that temporary total disability benefits would be terminated as of May 21, 1982 and that he would then be transferred to the Rehabilitation Department for further benefits and assessment.

On June 30, 1983 our complainant's benefits were terminated by the Rehabilitation Department. This resulted in the Worker Advisor Office making representation on behalf of our complainant with the position that the latter was totally disabled as a result of his injury, and that it was his physical condition which prevented him from working. Furthermore, the Worker Advisor indicated that there was no medical information on file indicating that our complainant's condition had improved since the Medical Review Panel of April 6, 1981 which concluded that he was totally disabled. The conclusion reached by the Board of Commissioners was that our complainant's permanent partial disability rating of 5% be increased to 20%, that rehabilitation benefits be restored effective July 1, 1983, and that our complainant be referred back to the Rehabilitation Department for further assessment.

It was in September 1985 that the Rehabilitation Department began requiring our complainant to actively engage in job searches. While our complainant did some job searches, he advised that because of his condition, he was having difficulty in making the required number of employer contacts per week. Our complainant received a letter on January 28, 1986 from a Rehabilitation Counsellor advising him that his rehabilitation allowance would be terminated unless he started to co-operate by doing job searches. The Rehabilitation Counsellor indicated that our complainant had failed to make the minimum of five in-person employer contacts per week and further, he had not presented a valid reason why job searches were not being done. The end result of this was that on February 8, 1986 his rehabilitation benefits were suspended. It was this termination of benefits that resulted in my office receiving a letter of complaint from his brother-in-law and wife, requesting that my office investigate the demands being placed upon him by the Rehabilitation Counsellor and the termination of benefits.

On March 4, 1986 my office notified the Workers Compensation Board of the complaint and requested that a report be provided. My office was advised that the Board

of Commissioners would be giving further consideration to our complainant's concerns on March 12, 1986. Subsequently, the Board of Commissioners concluded that the Rehabilitation Department had in fact terminated our complainant's rehabilitation benefits when he was not successful in the job search program. The Board of Commissioners advised that when our complainant was referred back to the Rehabilitation Department for further assessment, it was not the intent to have him placed into a rehabilitation program but rather, that they simply wanted to have a current rehabilitation assessment conducted. Accordingly, the Board of Commissioners reached the conclusion that rehabilitation benefits should be reinstated effective February 8, 1986 and that information should be obtained by the Rehabilitation Department as to the claimant's marketable or transferrable skills for further review by the Board. The Board of Commissioners expressed the opinion that the approach taken by the Rehabilitation Department with our complainant was beyond what had been expected.

On April 3, 1986 the wife of our complainant placed a telephone call to our office advising that the Rehabilitation Department had again called their home and stated that her husband was to apply for a job which they had found. They were somewhat surprised at this call because they understood our complainant was not to be engaged in job searches. Upon contacting the Rehabilitation Counsellor involved, we were advised that our complainant was not required to do a job search but rather, a job had been found which they thought he might be able to handle. The Rehabilitation Counsellor interpreted their actions as exploring an opportunity, as opposed to having our complainant do a job search.

A follow-up letter was sent to the Workers Compensation Board requesting that further clarification be supplied to my office in view of the Rehabilitation Counsellor again engaging in what appeared to be job searches for our complainant. The response supplied to my office by the Workers Compensation Board was similar to that provided by the Rehabilitation Counsellor. We were advised that the Counsellor was providing our complainant "... with the opportunity to evaluate the appropriateness of the employment prospect." Approximately 11 days after this information was supplied to my office by the Workers Compensation Board, we received a telephone call from the wife of our complainant expressing appreciation for our involvement and advising that everything was resolved. We later learned from the complainant that he did not receive any more requests to either explore job opportunities or engage in job searches, and he continued to receive his benefits without any further problems.

Complete List of Complaints

Agriculture — 5

86-100-1	Farmer denied help by Manitoba Water Services Board	Discontinued (Client)
86-100-2	Alleges unfair administration of Livestock Feed Security Program	Pending
86-100-3	Complaint re allocation of Crown Land	Pending
86-100-4	Questioning decision of Manitoba Vegetable Producers Marketing Board	Assistance Rendered
86-100-5	Alleges Manitoba Agricultural Credit Corporation exceeded jurisdiction, unjustly withholding monies from credit union	Pending

Attorney General — 50

86-110-1	Seeking information re: upcoming court appearance by daughter	Information Supplied
86-110-2	Does not feel her application for Legal Aid should have been turned down	Not Supported
86-110-3	Confusion over application for Legal Aid	Resolved
86-110-4	Alleges unfairly denied Legal Aid	Not Supported
86-110-5	Difficulty in obtaining Legal Aid	Resolved
86-110-6	Dissatisfied with services received from Attorney General's Department	Discontinued (Client)
86-110-7	Alleges wrong information given by Personal Property Security Registry	Pending
86-110-8	Alleges delay processing separation papers	Discontinued (Client)
86-110-9	Complaint regarding monies taken at time of arrest	Discontinued (Client)
86-110-10	Dissatisfied with actions of the Public Trustee	Resolved
86-110-11	Sending of divorce papers delayed	Information Supplied
86-110-12	Questioning fees charged by the Public Trustee	Resolved
86-110-13	Alleges unreasonable delay in investigating his complaint	Resolved
86-110-14	Alleges discrimination for political reasons by departmental staff	Declined
86-110-15	Dissatisfied with actions of Maintenance Enforcement Branch	Not Supported
86-110-16	Wants (Legal Aid Manitoba) staff lawyers appointed to pursue actions	Assistance Rendered
86-110-17	Alleging improper procedures by Legal Aid Manitoba	Not Supported
86-110-18	Feels he should not have been refused Legal Aid	Information Supplied
86-110-19	Problems involving administration of estate	Information Supplied
86-110-20	Alleges improper actions by crown prosecutor and inadequate inquiry by Attorney-General's Office	Pending
86-110-21	Alleges Public Trustee's selling of marital home may leave her homeless	Discontinued (Client)

86-110-22	Unable to obtain Legal Aid	Discontinued (Client)
86-110-23	Objects to actions taken by Maintenance Enforcement Branch	Declined
86-110-24	Concern over the length of time the Manitoba Human Rights Commission is taking to handle a complaint	Information Supplied
86-110-25	Alleges court system has failed to provide him with copies of documents relevant to his case	Information Supplied
86-110-26	Feels Human Rights Commission did not properly handle complaint	Pending
86-110-27	Follow-up of Inquest recommendations	Discontinued (Ombudsman)
86-110-28	Follow-up of Inquest recommendations	Resolved
86-110-29	Feels Legal Aid lawyer should be doing more in her case	Not Supported
86-110-30	Legal Aid denied	Information Supplied
86-110-31	Concerns about media coverage	Information Supplied
86-110-32	Complaint against Legal Aid	Pending
86-110-33	Complaint about the treatment received from the Public Trustee's Office	Pending
86-110-34	Seizure of excess amount of bonds to satisfy judgment	Resolved
86-110-35	Feels Legal Aid's delay in responding to request for assistance is unfair	Resolved
86-110-36	Questioning the management of a friend's financial affairs	Declined
86-110-37	Feels he was unfairly denied Legal Aid	Information Supplied
86-110-38	Concern over delay by Land Titles Office	Discontinued (Client)
86-110-39	Concern over length of time it is taking the Human Rights Commission to process complaint	Pending
86-110-40	Feels Legal Aid should be granted	Information Supplied
86-110-41	Alleges Human Rights Commission has not properly handled his complaint	Pending
86-110-42	Feels Criminal Injuries Compensation Board did not handle his claim properly	Information Supplied
86-110-44	Concern over Legal Aid Manitoba's policy re Legal Aid and Welfare recipients	Pending
86-110-45	Objects to not having been selected for surveyor position	Pending
86-110-46	Questioning actions of Sheriff in seizing farm machinery	Not Supported
86-110-47	Dissatisfied with the actions of the Public Trustee	Pending
86-110-48	Alleges error made preventing him from obtaining entire amount of automobile damage claim	Pending
86-110-49	Alleges unfair investigation by the Human Rights Commission	Pending
86-110-50	Alleges improper conviction for traffic offence	Resolved

86-110-51	Concern over Attorney General not responding to letter of complainant; also alleges Deputy Attorney General is responsible for her case being dropped by Legal Aid	Pending
Manitoba Business Development & Tourism — 2		
86-120-1	Feels award for design excellence has been incorrectly given	Pending
86-120-2	Employee expressing concerns about internal operation of Department	Pending
Manitoba Civil Service Commission — 4		
86-130-1	Feels reclassification has been unfairly denied	Pending
86-130-2	Unhappy with Commission's investigation of problem	Discontinued (Client)
86-130-3	Alleges unfair denial of employment opportunity	Declined
86-130-4	Alleges Commission is unfairly denying him employment	Pending
Manitoba Community Services — 173		
86-140-1	Dauphin Correctional Institute inmate alleging unfair treatment	Not Supported
86-140-2	Alleged inappropriate treatment in Winnipeg Remand Centre	Not Supported
86-140-3	Alleges decision to fire him was unfair and unjustified	Pending
86-140-4	Alleges inappropriate foster care; child abuse; and cover-up by Child and Family Services Agency	Pending
86-140-5	Winnipeg Remand Centre inmate feels he received unfair treatment	Not Supported
86-140-6	Unreasonable delay in setting up an Arbitration date	Not Supported
86-140-7	Headingley Correctional Institution inmate alleges medical staff will not help him with his problem	Assistance Rendered
86-140-8	Headingley Correctional Institution inmate has found undelivered inmate mail in the garbage	Not Supported
86-140-9	Objecting to brother being moved from residential care home	Not Supported
86-140-10	Concern about agency's policies regarding care of teenagers	Pending
86-140-11	Feels unfair policy being used re Applications for Salary Enhancement Grant for day care worker	Discontinued (Client)
86-140-12	Brandon Correctional Institution inmate alleges harassment by guards	Discontinued (Client)
86-140-13	Headingley Correctional Institution inmate requests to be transferred back to Brandon Correctional Institution	Not Supported
86-140-14	Alleges unfair treatment and lack of exercise	Pending

86-140-15	Inmate unhappy with Institution's action on complaint	Pending
86-140-16	Monitor Inquest	Pending
86-140-17	Headingley Correctional Institution inmate not receiving proper medical care	Not Supported
86-140-18	Continuing care worker feels she is not receiving proper rate of pay	Pending
86-140-19	Winnipeg Remand Centre inmate feels that his Temporary Absence pass has been revoked unjustifiably.	Discontinued (Client)
86-140-20	Brandon Correctional Institution inmate alleges harassment by Correctional Officers	Not Supported
86-140-21	Brandon Correctional Institution inmate alleges harassment by Correctional Officers	Not Supported
86-140-22	Concern that mentally retarded individual may have been mistreated	Discontinued (Ombudsman)
86-140-23	Alleges not receiving proper medical attention	Not Supported
86-140-24	Brandon Correctional Institution inmate questions disciplinary decision	Not Supported
86-140-25	Dissatisfied with counselling her son is receiving	Discontinued (Client)
86-140-26	Inmate seeks Temporary Absence pass	Discontinued (Client)
86-140-27	Complaint regarding apprehension of child	Pending
86-140-28	Feels agency not acting quickly enough regarding a problem involving a teenager	Assistance Rendered
86-140-29	Brandon Correctional Institution inmate requests medical attention	Resolved
86-140-30	Former Headingley employee concern regarding a bad reference	Resolved
86-140-31	Headingley Correctional Institution inmate allegedly mistreated by guards	Discontinued (Client)
86-140-32	Brandon Correctional Institution inmate wants transfer to Stony Mountain	Resolved
86-140-33	Alleges inadequate report submitted to court re custody dispute	Pending
86-140-34	Headingley Correctional Institution inmate alleges Institution interfering with his correspondence	Not Supported
86-140-35	Brandon Correctional Institution inmate alleges unfair treatment	Not Supported
86-140-36	Brandon Correctional Institution inmate alleges unfair treatment	Not Supported
86-140-37	Headingley Correctional Institution inmate wants transfer to another Institution; also dispute over medical treatment	Information Supplied
86-140-38	Alleges denial of visiting rights to grandchildren	Pending
86-140-39	Brandon Correctional Institution inmate concerned re whereabouts of personal effects	Resolved

86-140-40	Brandon Correctional Institution inmate alleges that request for Temporary Absence pass was never presented to Board for review	Pending
86-140-41	Unhappy with actions and subsequent apology of officials	Not Supported
86-140-42	Headingley Correctional Institution inmate objects to being put in segregation	Not Supported
86-140-43	Brandon Correctional Institution inmate alleges lack of communication between inmates and guards	Assistance Rendered
86-140-44	Headingley Correctional Institution inmates do not want another inmate transferred to their location for fear of catching a contagious disease	Not Supported
86-140-45	Feels Department unfairly terminated contract which allowed them to act as support for mentally retarded individuals	Not Supported
86-140-46	Brandon Correctional Institution inmate complains of lack of medical attention	Not Supported
86-140-47	Headingley inmate alleges unfair treatment	Not Supported
86-140-48	Feels agency should have shared social history with him when he was younger	Resolved
86-140-49	Monitoring case of alleged discrimination against guard	Resolved
86-140-50	Alleges guards playing "head games"	Not Supported
86-140-51	Headingley inmate alleged threats of physical abuse by guards	Pending
86-140-52	Brandon Correctional Institution inmate alleges unfair treatment by guards	Pending
86-140-53	Headingley Correctional Institution inmate alleges assault	Information Supplied
86-140-54	Headingley Correctional Institution inmate alleges inappropriate treatment by guards and lack of medical treatment	Not Supported
86-140-55	Alleges inappropriate treatment by nurse and Duty Officer	Pending
86-140-56	Headingley Correctional Institution inmate feels transfer from one Institution to another is unfair	Not Supported
86-140-57	Headingley Correctional Institution inmate alleges guard misconduct	Pending
86-140-58	Portage Correctional Institution inmate alleging unfair treatment	Not Supported
86-140-59	Headingley Correctional Institution inmate alleges Institution refused to allow him to withdraw \$200.00 from his personal account	Information Supplied
86-140-60	Dauphin Correctional Institution inmate seeking compassionate pass	Not Supported
86-140-61	Employee alleges unfair dismissal	Pending

86-140-62	Headingley Correctional Institution inmate wants monies in bank account provided to him in cash not in the form of a cheque	Resolved
86-140-63	Headingley Correctional Institution inmate alleged a visitor was not allowed to visit him	Not Supported
86-140-64	Headingley Correctional Institution inmate alleges unfair treatment in Institution	Not Supported
86-140-65	Unfair dismissal alleged by employee of children's aid society	Discontinued (Client)
86-140-66	Open custody youth alleges unfair treatment by Probation Services	Not Supported
86-140-67	Brandon Correctional Institution inmate alleges loss of property	Resolved
86-140-68	Concerns regarding investigation of sexual abuse case	Pending
86-140-69	Brandon Correctional Institution inmate alleges rights have been violated by Institution	Assistance Rendered
86-140-70	Request to correct date of birth was turned down by Vital Statistics	Not Supported
86-140-71	Headingley Correctional Institution inmate alleges physical abuse by guards	Discontinued (Client)
86-140-72	Headingley Correctional Institution inmate expressing concern about care in correctional facility	Not Supported
86-140-73	Brandon Correctional Institution inmate wants to be transferred from Unit B to Unit C	Resolved
86-140-74	Headingley Correctional Institution inmate alleges personal property lost by correctional institution staff	Resolved
86-140-75	Headingley Correctional Institution inmate alleges guard threatening physical abuse	Not Supported
86-140-76	Headingley Correctional Institution inmate feels unfairly disciplined	Not Supported
86-140-77	Unhappy with visiting arrangements for a permanent ward	Pending
86-140-78	Headingley Correctional Institution inmate feels he was unfairly removed from work project	Not Supported
86-140-79	Monitor investigation into death of child	Pending
86-140-80	Allegedly denied proper medical treatment	Resolved
86-140-81	Brandon Correctional Institution inmate objects to personal object being confiscated	Resolved
86-140-82	Allegations of abuse while children in foster care	Pending
86-140-83	Brandon Correctional Institution inmate complains of poor medical treatment	Resolved
86-140-84	Brandon Correctional Institution inmate objects to Temporary Absence pass being denied	Not Supported

86-140-85	Portage la Prairie Correctional Institution inmate feels she was inappropriately transferred from one facility to another	Pending
86-140-86	Alleging unfair treatment by child caring agencies	Declined
86-140-87	Unhappy with assessment of Family Conciliation Counsellor	Pending
86-140-88	Wants money for repatriation to another province	Resolved
86-140-89	Lack of fire safety at Manitoba Developmental Centre	Pending
86-140-90	Inmate feels he has been unfairly denied opportunity to communicate with inmate at another Institution	Resolved
86-140-91	Reports lack of assistance from the Department re protecting child from alleged sexual abuse	Pending
86-140-92	Questions decision of agency in placement of adopted daughter back with birth mother	Pending
86-140-93	Child and family services agency allegedly not paying fees owing to consultant	Pending
86-140-94	Alleges child caring agency not helping 17 year old who reportedly has no place to stay	Pending
86-140-95	Alleges problems with social worker interfering with adoption application	Pending
86-140-96	Concerns over medical treatment and alleged harassment by guard	Discontinued (Client)
86-140-97	Provincial Remand Centre inmate alleges unfair treatment	Not Supported
86-140-98	Inmate in psychiatric ward expressing concern over treatment	Assistance Rendered
86-140-99	Review of policy on access to fresh air in correctional facility	Resolved
86-140-100	Brandon Correctional Institution inmates' concerns regarding medical staff person	Pending
86-140-101	Headingley Correctional Institution inmate complains about lack of medical attention	Resolved
86-140-102	Headingley Correctional Institution inmate complaint re visiting list	Information Supplied
86-140-103	Monitor Inquest	Pending
86-140-104	Complaint against actions taken by children's aid social worker	Discontinued (Client)
86-140-105	Brandon Correctional Institution inmate feels he was unfairly transferred	Not Supported
86-140-106	Headingley Correctional Institution inmate feels he is treated unfairly in segregation	Not Supported
86-140-107	Remand Centre inmate feels some of his rights have been violated	Resolved
86-140-108	Concern regarding actions of children's aid society	Pending

86-140-109	Concerns over apprehension of child by children's aid society	Pending
86-140-110	Monitoring investigation by Department of Community Services	Pending
86-140-111	Alleges personal funds placed in inmate funds	Resolved
86-140-112	Monitor Inquest	Pending
86-140-113	Alleges unnecessary and improper search of visitor	Discontinued (Client)
86-140-114	Alleges problems with nurse at correctional institution	Information Supplied
86-140-115	Follow-up on recommendations made regarding child abuse	Pending
86-140-116	Dissatisfied with health care services at correctional institution	Pending
86-140-117	Alleges inconsistency regarding how staff relate to inmates	Pending
86-140-118	Monitor Inquest	Pending
86-140-119	Problems having birth certificate amended	Resolved
86-140-120	Alleges Department has caused loss of employment	Pending
86-140-121	Feels children were unfairly apprehended by child and family services agency	Pending
86-140-122	Brandon Correctional Institution inmate alleges poor medical attention	Not Supported
86-140-123	Alleged harassment and unfair treatment by guards	Pending
86-140-124	General complaints regarding conditions at the Provincial Remand Centre	Discontinued (Client)
86-140-125	Headingley inmate feels Temporary Absence to attend stepmother's funeral should be granted	Resolved
86-140-126	Provincial Remand Centre inmate complains of poor medical attention	Not Supported
86-140-127	Several concerns re licensing and operating of residential homes	Pending
86-140-128	Concerns re: body search; lost personal item; and request to make long distance phone call	Assistance Rendered
86-140-129	Alleged harassment by guards	Pending
86-140-130	Alleges lack of medical attention	Pending
86-140-131	Alleges unfair treatment at correctional facility	Not Supported
86-140-132	Several complaints regarding treatment of residents in open custody at Manitoba Youth Centre	Pending
86-140-133	Monitor Inquest	Pending
86-140-134	Headingley Correctional Institution inmate alleges medication refused resulting in seizure	Not Supported
86-140-135	Inmate (non-smoker) objects to having to breathe second hand smoke in correctional facility	Not Supported

86-140-136	Request that the Ombudsman review the allegation of racism in a correctional facility	Information Supplied
86-140-137	Brandon Correctional Institution inmate feels he was wrongly put in segregation	Not Supported
86-140-138	Inmate alleges unfair denial of crutches	Not Supported
86-140-139	Brandon Correctional Institution inmate feels he was wrongly charged with threatening an officer	Pending
86-140-140	Complaint regarding official not returning phone calls	Discontinued (Ombudsman)
86-140-141	Alleged unjustly dismissed from employment at the Remand Centre	Pending
86-140-142	Remand Centre inmate allegedly treated with "cruelty" by guards	Pending
86-140-143	Provincial Remand Centre inmate feels he is being unfairly treated	Pending
86-140-144	Remand Centre staff opening privileged mail	Resolved
86-140-145	Alleges unfair treatment at Remand Centre	Not Supported
86-140-146	Inmate seeking help to obtain eye glasses	Resolved
86-140-147	Allegedly being harassed and threatened by guards at the Remand Centre	Pending
86-140-148	Provincial Remand Centre inmates complain about conditions at the Institution	Pending
86-140-149	Inmate's wife, who is in a correctional facility, allegedly not receiving proper medical care	Pending
86-140-150	Various concerns re conditions at Provincial Remand Centre	Pending
86-140-151	Inmate alleges unfair treatment	Pending
86-140-152	Inmate alleges personal property lost at youth centre	Pending
86-140-153	Provincial Remand Centre inmate feels the unit is overcrowded	Pending
86-140-154	Headingley Correctional Institution inmate feels he has been unfairly placed in segregation	Pending
86-140-155	Inmate alleges loss of property during transfer	Not Supported
86-140-156	Alleges social worker did not take proper steps to prevent his son from being abused	Pending
86-140-157	Alleges mistreatment at Remand Centre	Not Supported
86-140-158	Inmate alleges he is not receiving proper medication	Pending
86-140-159	Inmate objecting to being placed in segregation	Not Supported
86-140-160	Alleges lack of assistance/information from child and family services agency re conflict with daughter	Information Supplied
86-140-161	Brandon Correctional Institution inmate has concerns over his parole situation	Discontinued (Client)

86-140-162	Headingley Correctional Institution inmate feels he was put in segregation for no reason	Not Supported
86-140-163	Feels child abuse allegations improperly handled by day care and children's aid society; also feels childrens' names have been inappropriately recorded on Child Abuse Registry	Pending
86-140-164	Alleges that mentally handicapped children at Manitoba Developmental Centre are being denied the right to an education	Pending
86-140-165	Removal of foster child from foster home	Pending
86-140-166	Feels Institution should pay for lost contact lens	Pending
86-140-167	Protective custody inmate alleges unfair treatment	Resolved
86-140-168	Protective custody inmate alleges unfair treatment	Resolved
86-140-169	Complaint about actions of child and family services agency	Pending
86-140-170	Alleges unfair transfer within the Department	Pending
86-140-171	Inmate requests assistance re medical attention	Pending
86-140-172	Difficulty in obtaining eye glasses	Pending
86-140-173	Disagrees with the way assessment report was done	Pending

Manitoba Consumer & Corporate Affairs — 8

86-150-1	Unhappy with decision of branch re registration of business name	Discontinued (Ombudsman)
86-150-2	Disagrees with decision of branch regarding proposed business name	Pending
86-150-3	Alleges insufficient action by Superintendent of Insurance	Not Supported
86-150-4	Alleges unfair treatment re application for Direct Sellers Licence	Pending
86-150-5	Dissatisfied with action taken by the Office of the Superintendent of Insurance	Not Supported
86-150-6	Objects to the way the interview was performed	Pending
86-150-7	Unhappy with decision of Superintendent of Insurance not to investigate insurance problem	Pending
86-150-8	Dispute regarding contract drawn up for installation of windows	Pending

Manitoba Co-operative Development — 0

Manitoba Corporations & Extra Departmental — 9

86-170-1	Complaint about service from Manitoba Telephone System	Discontinued (Client)
86-170-2	Feels charges to obtain private phone line are unjustifiable	Resolved
86-170-3	Dissatisfied with the action taken by MTS re a party line problem	Pending

86-170-4	Complaint about actions of Manitoba Lotteries Foundation	Pending
86-170-5	Dissatisfied with the way the Manitoba Lotteries Foundation handled his complaint	Discontinued (Client)
86-170-6	Dissatisfied with Manitoba Telephone System service	Resolved
86-170-7	Problem with telephone service	Pending
86-170-8	Seeking settlement for damages caused by Manitoba Telephone System during installation of a new phone.	Pending
86-170-9	Unhappy with conditions attached to Communities Economic Development Fund loan	Pending
Manitoba Crown Investments — 0		
Manitoba Culture, Heritage & Recreation — 1		
86-190-2	Feels he has been unfairly denied grant	Pending
Manitoba Education — 10		
86-200-1	Difficulties involving application for a School Clinician Certificate	Pending
86-200-2	Difficulty in obtaining Student Aid	Assistance Rendered
86-200-3	Seeking information regarding financial aid for education and complaint re contact with worker	Assistance Rendered
86-200-4	Student alleges unfair dismissal	Not Supported
86-200-5	Retired teacher unable to collect pension	Information Supplied
86-200-6	Concerned with actions of school and school division	Assistance Rendered
86-200-7	Dissatisfied with quality of course provided by private trades school	Pending
86-200-8	Dispute over entitlement to refund of pension contributions	Pending
86-200-9	Alleges inadequate and biased handling of her application for nursing program	Pending
86-200-10	Feels he should have been granted Student Aid	Pending
Manitoba Employment Services & Economic Security — 31		
86-210-1	Feels that Economic Security had no right to turn down her request for a moving truck	Discontinued (Client)
86-210-2	Denial of social allowance	Pending
86-210-3	Feels Department owes her money	Resolved
86-210-4	Feels holding back of allowance cheque is improper	Not Supported
86-210-5	Disagrees with Social Services Advisory Committee's decision	Discontinued (Client)
86-210-6	Alleges insufficient social allowances	Not Supported
86-210-7	Concern about the welfare system	Information Supplied

86-210-8	Dispute over laundry money	Pending
86-210-9	Feels Department should assist with funeral expenses	Information Supplied
86-210-10	Disagrees with reduction in amount of social allowance	Pending
86-210-11	Alleges inappropriate actions by Income Security Office	Resolved
86-210-12	Alleges unreasonable delay in sending his income supplement payments	Resolved
86-210-13	Alleges difficulties involving social service worker	Discontinued (Client)
86-210-14	Feels he is being treated unfairly by counsellor	Assistance Rendered
86-210-15	Complaint against social allowance workers not providing information or assistance	Pending
86-210-16	Alleges substantial delay in receiving refund of monies expended on special needs	Pending
86-210-17	Request for social assistance withdrawn	Discontinued (Client)
86-210-18	Alleges unfair treatment by Income Security Office	Pending
86-210-19	Numerous delays in receiving social assistance payments	Not Supported
86-210-20	Wants to get social allowance cheque early to meet special needs	Resolved
86-210-21	Disagrees with decision of Income Security Office	Information Supplied
86-210-22	Dissatisfied with the way her worker is handling her case	Pending
86-210-23	Claim they have been granted insufficient social allowance	Information Supplied
86-210-24	Alleges her worker is harassing her	Not Supported
86-210-25	Difficulty involving lien on property	Pending
86-210-26	Delay in receiving monthly allowance	Assistance Rendered
86-210-27	Difficulty obtaining provincial social allowances	Information Supplied
86-210-28	Objects to decision made by worker re use of Special Needs fund	Resolved
86-210-29	Objects to benefits being terminated	Pending
86-210-30	Questions concerning social allowances	Pending
86-210-31	Feels he should have been accepted in New Careers Program	Pending

Manitoba Energy & Mines — 4

86-220-1	Alleges unfair dismissal from employment	Information Supplied
86-220-2	Alleges administrative problems by Board	Not supported
86-220-3	Alleges inappropriate placing of lien against property	Resolved
86-220-5	Alleges inappropriate placing of lien against property	Not Supported

Manitoba Environment & Workplace Safety & Health — 11

86-230-1	Alleges unfair treatment and improper conduct by official	Resolved
86-230-2	Alleges delay in dealing with claim	Not Supported
86-230-3	Follow-up of Inquest recommendations	Resolved
86-230-4	Follow-up of Inquest recommendations	Resolved
86-230-5	Follow-up of Inquest recommendations	Resolved
86-230-6	Disagrees with Limestone hiring policy	Information Supplied
86-230-7	Alleges difficulty obtaining information from Department re water tests	Pending
86-230-8	Follow-up of Inquest recommendations	Resolved
86-230-9	Objects to the noise from local quarry	Discontinued (Client)
86-230-10	Feels delay by Worker Advisor Office in handling claim is unreasonable	Not Supported
86-230-11	Follow-up of Department's actions re Inquest recommendations	Pending

Federal Departments & Agencies — 13

86-240-1	Problem involving application for grant under the Canada Home Insulation Program	Resolved
86-240-2	Alleges harassment by Royal Canadian Mounted Police	Information Supplied
86-240-3	Inmate at Federal Penitentiary alleges harassment by guards	Assistance Rendered
86-240-4	Seeking payment of interest on income tax refund	Declined
86-240-5	Inmate in Federal Penitentiary seeking clarification re his sentence	Assistance Rendered
86-240-6	Inmate questioning Royal Canadian Mounted Police's refusal to sign pre-release papers	Information Supplied
86-240-7	Objecting to closing of mail route	Information Supplied
86-240-8	Difficulty involving Residential Rehabilitation Assistance Program	Assistance Rendered
86-240-9	Has been denied Canada Pension Plan Disability Allowance	Information Supplied
86-240-10	Concerns involving Pension Commission, Veteran's Pension and Veteran's Benefits	Information Supplied
86-240-11	Alleges inadequate insulation of home under Canada Home Insulation Program	Information Supplied
86-240-12	Alleges scam by Federal Business Development Bank	Information Supplied
86-240-13	Headingley Correctional Institution inmate alleges three month delay in processing committal papers has affected his probate date	Information Supplied

Manitoba Finance — 6

86-250-1	Seeking Retail Sales Tax exemption on waste oil heaters	Declined
86-250-2	Feels he should not have been refused sales tax refund	Resolved
86-250-3	Feels he should not have to pay sales tax on a car built from a kit	Not Supported
86-250-4	Disagrees with decision not to refund Retail Sales Tax	Not Supported
86-250-5	Unable to claim Pensioner Homeowners School Tax Assistance	Not Supported
86-250-6	Problem involving Manitoba Homeowners Tax Assistance	Assistance Rendered

Manitoba Government Services — 1

86-260-1	Alleges unfair handling of security contract tender	Pending
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Manitoba Health — 77

86-270-1	Among other things, patient expressing concern about being in a psychiatric facility	Information Supplied
86-270-2	Concerns regarding Home Care Program	Declined
86-270-3	Patient wants release from psychiatric hospital	Information Supplied
86-270-4	Brandon Mental Health Centre patient alleges unfair treatment by staff	Not Supported
86-270-5	Brandon Mental Health Centre patient wants to be released	Information Supplied
86-270-6	Selkirk Mental Health Centre patient wants to be released; also has some concerns re proposed treatment	Discontinued (Ombudsman)
86-270-7	Brandon Mental Health Centre patient wants to be released	Pending
86-270-8	Patient wants to be released from Selkirk Mental Health Centre	Resolved
86-270-9	Alleges dismissal to be unjustified	Discontinued (Client)
86-270-10	Patient wants to be released from Brandon Mental Health Centre	Information Supplied
86-270-11	Patient at Health Sciences Centre feels he is being held against his will	Information Supplied
86-270-12	Brandon Mental Health Centre patient alleges that she was physically abused by two nurses	Not Supported
86-270-13	Health Sciences Centre patient wants to be released	Information Supplied
86-270-14	Health Sciences Centre patient wants to be released	Information Supplied
86-270-15	Health Sciences Centre patient objects to confinement in psychiatric facility	Information Supplied

86-270-16	Alleges undue delay in receiving refund from Manitoba Health Services Commission	Not Supported
86-270-17	Alleges inaction from mental health worker	Pending
86-270-18	Health Sciences Centre patient wants to be released	Resolved
86-270-19	Selkirk Mental Health Centre patient questions change of status from voluntary to compulsory	Discontinued (Client)
86-270-20	Health Sciences Centre patient wants to be released	Information Supplied
86-270-21	Brandon Mental Health Centre patient alleges poor medical attention	Not Supported
86-270-22	Complaint regarding Home Care Program	Discontinued (Client)
86-279-23	Seven Oaks Hospital patient feels he should not be in psychiatric facility	Not Supported
86-270-24	Selkirk Mental Health Centre compulsory patient wants to be released	Information Supplied
86-270-25	Health Sciences Centre patient wants to be released	Resolved
86-270-26	Brandon Mental Health Centre patient alleges unfair treatment	Not Supported
86-270-27	Selkirk Mental Health Centre patient alleges lost belongings	Resolved
86-270-28	Brandon Mental Health Centre patient allegedly experiencing difficulties with staff and other patients	Not Supported
86-270-29	Feels he should be entitled to a Pharmacare refund	Not Supported
86-270-30	Brandon Mental Health Centre patient alleges assault by nurse	Discontinued (Client)
86-270-31	Brandon Mental Health Centre patient wants to be released	Information Supplied
86-270-32	Patient feels he should not be in mental health centre	Information Supplied
86-270-33	Health Sciences Centre patient wants to be released	Information Supplied
86-270-34	Patient wishes to be discharged from mental health centre	Information Supplied
86-270-35	Alleges abusive treatment by Charge Nurse	Not Supported
86-270-36	Feels he should not be in mental health centre	Information Supplied
86-270-37	Health Sciences Centre patient wants to be released or placed in open ward	Resolved
86-270-38	Brandon Mental Health Centre patient wants to be released	Information Supplied
86-270-39	Health Sciences Centre patient wants to be released	Information Supplied
86-270-40	Feels electrolysis through private company should be covered by Manitoba Health Services Commission	Pending

86-270-41	Difficulty in receiving Home Care Services	Resolved
86-270-42	Alleges she is not being provided with a proper diet as prescribed by her doctor	Resolved
86-270-43	Patient wants to be released	Discontinued (Client)
86-270-44	Follow-up of Inquest recommendations	Pending
86-270-45	Being held against his will at Brandon Mental Health Centre	Information Supplied
86-270-46	Patient in psychiatric facility wants release	Information Supplied
86-270-47	Selkirk Mental Health Centre patient alleges he was threatened by staff	Not Supported
86-270-48	Psychiatric patient requesting a review of his allegations against his family	Information Supplied
86-279-49	Psychiatric patient seeking the return of a book which he claims was taken by the Royal Canadian Mounted Police	Not Supported
86-270-50	Dissatisfied with Home Orderly Service	Not Supported
86-270-51	Questions concerning the administration of medication at a psychiatric facility	Not Supported
86-270-52	Concern expressed over medication requirement	Information Supplied
86-270-53	Misericordia Hospital patient feels his rights have been violated	Pending
86-270-54	Patient in psychiatric facility requesting phone call	Assistance Rendered
86-270-55	Grace Hospital patient wants to be released	Information Supplied
86-270-56	Concerns over investigation into management style and re-organization	Pending
86-270-57	Health Sciences Centre patient wants to be released	Information Supplied
86-270-58	Health Sciences Centre patient wants to be released	Information Supplied
86-270-59	Health Sciences Centre patient wants to be released	Pending
86-270-60	Health Sciences Centre patient wants to be released	Information Supplied
86-270-61	Selkirk Mental Health Centre patient wants to be discharged	Information Supplied
86-270-62	Psychiatric patient wants to be released	Information Supplied
86-270-63	Selkirk Mental Health Centre patient's request to see his clergyman was allegedly turned down	Not Supported
86-270-64	Health Sciences Centre patient wants to be released	Discontinued (Client)
86-270-65	Misericordia Hospital patient complains about treatment received at the hospital	Pending
86-270-66	Eden Mental Health Centre patient claims hospital will not release personal funds to him	Not Supported
86-270-67	Psychiatric patient wishes to become involved in program outside the hospital	Information Supplied

86-270-68	Concern re scheduling of female night nursing staff	Resolved
86-270-69	Wants to know results of the Department's investigation into mother's death in personal care home	Pending
86-270-70	Monitor Inquest	Pending
86-270-71	St. Boniface Hospital psychiatric patient wants to be released	Pending
86-270-72	Psychiatric patient wants to be released	Information Supplied
86-270-73	Psychiatric patient wants to be released	Information Supplied
86-270-74	Alleges improper confinement	Not Supported
86-270-75	Does not agree with confinement	Pending
86-270-76	Psychiatric patient wants to be released from mental health centre	Information Supplied
86-270-77	Psychiatric patient wants to be released	Information Supplied
Manitoba Highways & Transportation — 23		
86-280-1	Alleged inappropriate procedures by officials of Motor Vehicle Branch	Resolved
86-280-2	Opposed to Taxicab Board take over of specialized wheelchair van service	Declined
86-280-3	Feels it is inappropriate for Department to use form letters to give notice under The Highway Traffic Act	Not Supported
86-280-4	Alleges Department is responsible for an accident because bump in highway was not marked	Pending
86-280-5	Difficulty in obtaining Driver's Licence	Assistance Rendered
86-280-6	Seeking clarification re driving record	Pending
86-280-7	Concerned about proposed location of highway	Pending
86-280-8	Objects to Licence Suspension Appeal Board's decision	Not Supported
86-280-9	Feels licence has been incorrectly suspended for failure to comply with the requirements of an alcoholism report	Not Supported
86-280-10	Drainage problem	Pending
86-280-11	Feels responsibility of accident has been improperly attributed to him	Discontinued (Client)
86-280-12	Objects to providing medical reports to Motor Vehicle Branch	Not Supported
86-280-13	Problem concerning the street legality of motor scooters	Resolved
86-280-14	Alleges unfair dismissal from employment	Discontinued (Ombudsman)
86-280-15	Alleges that the Licence Suspension Appeal Board is refusing to advise him of its decision	Assistance Rendered
86-280-16	Disagrees with action taken by Motor Vehicle Branch	Pending
86-280-17	Feels Taxicab Board's decision is unfair	Discontinued (Client)

86-280-18	Feels points have been unfairly assessed against his licence	Pending
86-280-19	Alleges that Department has failed to alleviate a drainage problem	Pending
86-280-20	Handicapped individual feels decision not to grant him a driver's licence is unfair	Pending
86-280-21	Alleges unfair treatment by the Taxicab Board	Pending
86-280-22	Alleges unnecessary destruction of trees	Discontinued (Client)
86-280-23	Alleges unfairness in driving test procedures for senior citizens	Pending
Manitoba Housing — 39		
86-290-1	Alleges unfair treatment by the Office of the Rentalsman	Not Supported
86-290-2	Feels it is unreasonable that it took nine months to settle damage deposit dispute	Not Supported
86-290-3	Problems re grant assistance	Pending
86-290-4	Concerns regarding delay in responding to her calls	Pending
86-290-5	Allegedly denied free expression of political belief by decision of Rentalsman regarding posting of political sign on rented premises	Not Supported
86-290-6	Feels Winnipeg Regional Housing Authority is ignoring her complaint	Pending
86-290-7	Alleges lack of response from Rentalsman's Office	Pending
86-290-8	Unhappy with Department's handling of landlord/tenant dispute	Pending
86-290-9	Feels rent increase is too high	Pending
86-290-10	Dissatisfied with performance of the Rentalsman's Office	Not Supported
86-290-11	Disagrees with Rentalsman's Order to redirect rent	Not Supported
86-290-12	Misconception of The Landlord and Tenant Act	Assistance Rendered
86-290-13	Requesting assistance with return of security deposit from Rentalsman's Office	Resolved
86-290-14	Feels undue delay by Department caused her application to be disqualified from Residential Rehabilitation Assistance Program	Pending
86-290-15	Alleges improper hearing and unfair action by the Rentalsman's Office	Pending
86-290-16	Alleged threat to return security deposit to tenant before court decision	Resolved
86-290-17	Dissatisfied with handling of a landlord/tenant dispute	Pending
86-290-18	Alleges inaction by Rentalsman's Office	Not Supported
86-290-19	Seeking clarification of Rent Appeal Board's decision	Pending

86-290-20	Unable to obtain copy of housing lease	Information Supplied
86-290-21	Rentalsman did not properly handle landlord/tenant dispute	Pending
86-290-22	Alleges unfair rent reduction and inappropriate procedures by Rent Regulation Bureau	Not Supported
86-290-23	Feels Rentalsman's Office should have given written rather than verbal advice	Assistance Rendered
86-290-24	Feels her request to move from a two bedroom to a three bedroom apartment is not being handled properly	Discontinued (Client)
86-290-25	Feels Rentalsman's Office is not properly handling a security deposit dispute	Resolved
86-290-26	Feels Rent Regulation Bureau did not properly handle objection to rent increase	Pending
86-290-27	Disagrees with method of rent calculation for subsidized housing	Not supported
86-290-28	Wants Rent Regulation Officer to take action regarding repairs to suite	Resolved
86-290-29	Dissatisfaction with the Rentalsman Office's disposition of a security deposit dispute	Pending
86-290-30	Father's application for housing should not have been rejected. Also, local Reeve should not have been involved in decision making as it is a conflict of interest	Pending
86-290-31	Unhappy with the Rentalsman Office's decision to hold hearing into landlord/tenant dispute	Pending
86-290-32	Complainants feel they should be eligible for subsidized housing	Not Supported
86-290-33	Alleges delay by the Rentalsman's Office in dealing with a security deposit dispute	Pending
86-290-34	Dispute over the amount of rent owing to housing authority	Pending
86-290-35	Rent Appeal Panel not providing reasons for its decision	Pending
86-290-36	Concern over hearing regarding a security deposit	Pending
86-290-37	Problem with Shelter Allowance for Family Renters Program	Pending
86-290-38	Difficulty in obtaining low cost housing	Pending
86-290-39	Alleges unfair hearing by the Rentalsman's Office re security deposit dispute	Pending
Manitoba Hydro — 13		
86-300-1	Disconnection of hydro service	Information Supplied
86-300-2	Concern re actions taken by Manitoba Hydro	Discontinued (Client)
86-300-3	Service to be disconnected for non-payment of bill	Resolved
86-300-4	Feels she should not have to pay for hydro bill allegedly incurred by previous tenant	Not Supported

86-300-5	Alleges difficulty in having bill sent to proper address	Resolved
86-300-6	Dispute over location of power line	Pending
86-300-7	Billing dispute	Resolved
86-300-9	Billing dispute	Resolved
86-300-10	Billing dispute	Not Supported
86-300-11	Billing dispute	Discontinued (Ombudsman)
86-300-12	Disagrees with amount of compensation for removing trees from his property	Information Supplied
86-300-13	Feels Limestone hiring is unfair	Information Supplied
86-300-14	Dispute over estimated billing	Pending

Manitoba Industry Trade & Technology — 0

Manitoba Labour — 13

86-320-1	Alleges delay in pursuing claim	Pending
86-320-2	Dissatisfied with action taken by Branch re wage dispute	Discontinued (Client)
86-320-3	Alleges misuse of handicapped parking space by government employee	Resolved
86-320-4	Feels Labour Board did not take sufficient action on her problem	Resolved
86-320-5	Alleges delay in pursuing claim	Not Supported
86-320-6	Alleges seniority not correctly shown on departmental seniority list	Discontinued (Client)
86-320-7	Complaint re fire safety at Manitoba Developmental Centre	Pending
86-320-8	Feels his complaint was not investigated thoroughly by Employment Standards Branch	Not Supported
86-320-9	Alleges error by Employment Standards Inspector caused loss of vacation pay	Pending
86-320-10	Dissatisfied with treatment received when inquiring about home study courses	Pending
86-320-11	Feels there is unnecessary delay in resolving his concerns	Pending
86-320-12	Alleges improper actions by Employment Standards Branch regarding payment of wages claim	Pending
86-320-13	Alleges that the Department of Labour has failed to enforce legislation re mobile home	Pending

Manitoba Municipal Affairs — 8

86-330-1	Concerns re by-law passed by municipality and approved by the Department	Information Supplied
86-330-2	Alleges inappropriate procedures by the Surface Rights Board and disputes Board's decision	Pending

86-330-3	Alleges the Surface Rights Board's procedures are denying natural justice; also disputes Board's decision	Pending
86-330-4	Questions concerning Department's response to complaint about municipality	Information Supplied
86-330-5	Disagrees with decision of Municipal Board	Pending
86-330-6	Dissatisfied with the Municipal Board's decision to reject his application for sub-division of a parcel of land	Pending
86-330-7	Alleges failure of Municipal Services Branch to respond to complaint involving rural municipality	Pending
86-330-8	Drainage problem	Not Supported
Manitoba Municipalities, Cities, Towns, Etc. — 10		
86-340-1	Objects to city's use of bailiff to collect business licence fees	Information Supplied
86-340-2	Objecting to city's efforts to collect outstanding parking ticket fines	Information Supplied
86-340-3	Complaint regarding monies taken at time of arrest	Information Supplied
86-340-4	Alleges scandal within City of Winnipeg police and administration	Information Supplied
86-340-5	Alleges social services worker not returning phone calls	Information Supplied
86-340-6	Alleges unfair treatment by police	Information Supplied
86-340-7	Concerns over public affairs of public library	Information Supplied
86-340-8	Difficulties with City of Winnipeg assistance reported	Information Supplied
86-340-9	Requests male attendant to attend to personal needs rather than female attendant	Declined
86-340-10	Concerns about the welfare system	Declined
Manitoba Public Insurance Corporation — 62		
86-350-1	Dissatisfied with handling of Autopac Claim	Pending
86-350-2	Dissatisfied with handling of Autopac Claim	Pending
86-350-3	Delay in settling bodily injury claim	Pending
86-350-4	Complaint against auctioneer responsible for public auctions	Discontinued (Client)
86-350-5	Claim dispute	Resolved
86-350-6	Claim dispute	Discontinued (Client)
86-350-7	Refusal to process claim	Pending
86-350-8	Dispute over \$300.00 payment demanded by Autopac	Not Supported
86-350-9	Objecting to system which allows Manitoba Public Insurance Corporation to assess accident liability	Not Supported
86-350-10	Alleges Autopac refuses to pay for all damages resulting from an accident	Resolved

86-350-11	Disputes Manitoba Public Insurance Corporation's denial of coverage	Resolved
86-350-12	Alleges improper denial of claim by Manitoba Public Insurance Corporation	Pending
86-350-13	Autopac claim dispute	Assistance Rendered
86-350-14	Questions Autopac claim settlement	Not Supported
86-350-15	Claim dispute	Resolved
86-350-16	Autopac claim dispute	Resolved
86-350-17	Claim dispute	Pending
86-350-18	Alleged delay in processing Autopac claim	Not Supported
86-350-19	Concerns re Autopac claim	Pending
86-350-20	Autopac claim dispute	Pending
86-350-21	Claim dispute	Resolved
86-350-22	Feels Corporation should reimburse him for loss of wages	Pending
86-350-23	Delay in receiving weekly supplement payments	Discontinued (Client)
86-350-24	Alleges improper liability assessment	Resolved
86-350-25	Autopac claim dispute	Not Supported
86-350-26	Claim dispute	Discontinued (Client)
86-350-27	Autopac claim dispute	Discontinued (Client)
86-350-28	Feels actions of Corporation are unfair	Pending
86-350-29	Disagrees with liability assessment	Not Supported
86-350-30	Disagrees with assessment of liability	Pending
86-350-31	Alleges harsh and ill mannered treatment by adjuster	Not Supported
86-350-32	Alleges rate increases to independent shops granted selectively	Not Supported
86-350-33	Owner of autobody repair shop alleges rude, intimidating and unfair treatment by Manitoba Public Insurance Corporation staff	Not Supported
86-350-34	Concern over manner in which liability assessment was reached	Pending
86-350-35	Claim dispute re chiropractic treatment required	Pending
86-350-36	Autopac claim dispute	Pending
86-350-37	Dissatisfied with Autopac's handling of claim	Pending
86-350-38	Autopac claim dispute	Pending
86-350-39	Feels Corporation's decision not to grant Autopac licence is unfair	Not Supported
86-350-40	Delay in settling claim	Pending
86-350-41	Delay in determining liability assessment	Pending
86-350-42	Alleges that Autopac refuses legal counsel as well as file material for Small Claims Court action	Resolved
86-350-43	Claim dispute	Pending

86-350-44	Autopac claim dispute	Pending
86-350-45	Claim dispute	Pending
86-350-46	Claims Autopac is refusing to put in writing advice given verbally	Resolved
86-350-47	Delay in getting payments from Autopac re work completed	Pending
86-350-48	Dispute over amount of claim	Pending
86-350-49	Feels Autopac claim was unfairly handled	Pending
86-350-50	Autopac claim dispute	Pending
86-350-51	Feels Autopac claim has been unfairly denied	Pending
86-350-52	Concern over Autopac claim	Pending
86-350-53	Autopac claim dispute	Pending
86-350-54	Alleged refusal to honour claim	Pending
86-350-55	Alleges unfair liability assessment policy by Autopac	Pending
86-350-56	Feels Autopac made inappropriate liability assessment	Pending
86-350-57	Feels pressured into making a settlement for bodily injury claim	Pending
86-350-58	Alleges improper handling of bodily injury claim	Pending
86-350-59	Alleges unfair denial of hit-and-run claim	Pending
86-350-60	Inquires re driving uninsured motor vehicle	Information Supplied
86-350-61	Alleges inequitable procedures used in processing Autopac claim	Pending
86-350-62	Dispute over payment of deductible	Information Supplied

Manitoba Natural Resources — 11

86-360-1	Dispute over a trapline	Pending
86-360-2	Reimbursement of legal fees	Discontinued (Client)
86-360-3	Denial of authorization to implement drainage scheme	Pending
86-360-4	Disagrees with seniority service shown on departmental seniority list	Not Supported
86-360-5	Alleges harassment, leaking of confidential information and various problems at work	Declined
86-360-6	Two animals (cougars) seized	Pending
86-360-7	Disagrees with decision of Water Resources Branch re drainage problem	Pending
86-360-8	Fears misunderstanding re method of payment for cottage will cause loss of discount	Pending
86-360-9	Employee alleges being forced by employer to improperly issue permit	Pending
86-360-10	Departmental employee alleges retaliation by the Department as a result of an Ombudsman investigation	Pending

86-360-11	Problems with Department re logging business	Pending
Manitoba Northern Affairs — 1		
86-370-1	Alleges decision made unfairly and inappropriately to take a portion of land leased by one company and lease it to another	Pending
Private Matters — 61		
86-380-1	Questions concerning the settling of an estate	Information Supplied
86-380-2	Seeking information re his "right" to obtain information from a doctor	Information supplied
86-380-3	Attempting to obtain an Inquest into son's death	Information Supplied
86-380-4	Alleges difficulties with lawyers	Assistance Rendered
86-380-5	Complaint against dentist	Information Supplied
86-380-6	Feels Crown should lay charges of theft against certain individuals	Declined
86-380-7	Heat pump allegedly not performing as advertised	Assistance Rendered
86-380-8	Complaint against bus driver	Assistance Rendered
86-380-9	Questions re property title and mineral rights	Assistance Rendered
86-380-10	Seeking help to clear up alleged rumors about himself	Information Supplied
86-380-11	Unhappy with doctor's examination and assessment	Declined
86-380-12	Landlord/Tenant dispute	Information Supplied
86-380-13	Feels husband was unfairly convicted by court	Information Supplied
86-380-14	Allegedly in desperate financial need	Information Supplied
86-380-15	Unable to collect money owing to him	Information Supplied
86-380-16	Problems involving tenants in apartment	Assistance Rendered
86-380-17	Request for information re working as a volunteer in under-developed countries	Information Supplied
86-380-18	Seeking information re change of telephone number	Assistance Rendered
86-380-19	Alleges ill-treatment and misdiagnosis by medical profession	Information Supplied
86-380-20	Seeking help re court case	Declined
86-380-21	Dispute over liability for damage caused to rented car	Assistance Rendered
86-380-22	Request for information post-adoption registry	Information Supplied
86-380-23	Information re Ombudsman's Office and questions re debt collection	Information Supplied
86-380-24	Feels it is unfair that lottery corporation cannot sell tickets outside jurisdiction	Information Supplied
86-380-25	Requesting assistance in distributing writings	Declined
86-380-26	Alleges impropriety in real estate transaction	Declined
86-380-27	Complaint re trip cancellation insurance	Assistance Rendered

86-380-28	Objects to hiring practice of Winnipeg Core Area Initiative	Information Supplied
86-380-29	Alleges property damaged by Royal Canadian Mounted Police	Assistance Rendered
86-380-30	Difficulty involving real estate transaction	Information Supplied
86-380-31	Senior citizen unable to obtain unit in senior citizen residence	Information Supplied
86-380-32	Problems involving immigration and court matters	Declined
86-380-33	Complaint re advice given by a doctor	Information Supplied
86-380-34	Alleges he is being held in remand for something he did not do	Information Supplied
86-380-35	Dispute over work performed by contractor	Assistance Rendered
86-380-36	Dispute over damage caused to table during wedding reception in rented facilities	Declined
86-380-37	Difficulties ensuing from theft of personal property	Information Supplied
86-380-38	Objecting to summons for illegal left turn	Assistance Rendered
86-380-39	Questions concerning federal government pension	Information Supplied
86-380-40	Alleges racial discrimination	Pending
86-380-41	Inmate complaining about immigration and employment problems	Discontinued (Ombudsman)
86-380-42	Problem involving town as employer and also problem involving food cooperative	Information Supplied
86-380-43	Experiencing financial difficulties	Information Supplied
86-380-44	Difficulty obtaining from school division special transportation for pupil	Information Supplied
86-380-45	Delay by City of Winnipeg in providing compensation benefits	Resolved
86-380-46	Seeking information re court case	Declined
86-380-47	Questions re business listings as process server	Information Supplied
86-380-48	Student seeking advice re financial difficulties	Information Supplied
86-380-49	Unable to obtain medical report	Information Supplied
86-380-50	Dispute over insurance claim	Assistance Rendered
86-380-51	Difficulties involving insured mortgage protection claim	Information Supplied
86-380-52	Unhappy with lawyer and service	Information Supplied
86-380-53	Complaint that the Law Society of Manitoba will not answer his mail	Declined
86-380-54	Failure to remove lien on name even though judgement was satisfied	Assistance Rendered
86-380-55	Complaint about the rate increase by Manitoba Blue Cross	Declined
86-380-56	Unhappy with utility rates	Declined
86-380-57	Unhappy with hotel service	Information Supplied
86-380-58	Disagrees with reasons given for dismissal	Discontinued (Ombudsman)

86-380-59	Complaint about court matters	Declined
86-380-60	Alleges school not properly dealing with "racist" attacks by other school children against her son	Information Supplied
86-380-61	Complaint involving article purchased from department store	Pending
Manitoba Provincial Auditor — 0		
Manitoba Urban Affairs — 0		
Manitoba Workers Compensation Board — 28		
86-410-2	Feels Workers Compensation Board did not properly handle his claim	Not Supported
86-410-3	Expressing concerns over handling of Workers Compensation claim	Information Supplied
86-410-4	Disputes termination of rehabilitation benefits	Discontinued (Ombudsman)
86-410-5	Compensation claim dispute	Pending
86-410-6	Feels it is taking too long for a decision to be made re his claim	Resolved
86-410-7	Alleges unreasonable demands being placed upon claimant by rehabilitation counsellor	Pending
86-410-8	Difficulties involving compensation claim	Information Supplied
86-410-9	Disagrees with restrictions imposed by Medical Review Board	Pending
86-410-10	Concerns re compensation claim	Assistance Rendered
86-410-11	Feels Board's refusal to accept claim was unfair	Information Supplied
86-410-12	Alleges unfair treatment by Board	Pending
86-410-13	Feels it is taking too long for decision to be made re her claim	Not Supported
86-410-14	Widow's pension refused	Pending
86-410-15	Feels her request for widow's benefits did not get a fair review	Not Supported
86-410-16	Does not agree with Board's decision to terminate benefits	Information Supplied
86-410-17	Feels compensation benefits have been unfairly terminated	Pending
86-410-18	Objecting to decision of Compensation Board not to accept claim	Not Supported
86-410-19	Feels he should be entitled to a Disability Pension	Resolved
86-410-20	Benefits discontinued	Pending
86-410-21	Difficulties re compensation claim	Pending
86-410-22	Alleges delay and runaround by Board in processing of husband's claim	Pending
86-410-23	Feels legislation on which Workers Compensation Board based its decision is unfair	Pending

86-410-24	Feels Board should provide him with copies of medical reports	Discontinued (Client)
86-410-25	Disagrees with actions taken by Vocational Rehabilitation Counsellor	Not Supported
86-410-27	Objects to Workers Compensation Board's decision to terminate benefits	Pending
86-410-28	Alleges delay and confusion by Board in handling her claim	Resolved
86-410-29	Claim dispute	Pending
86-410-30	Concern regarding status of compensation claim	Pending

The Ombudsman Act

CHAPTER O45

THE OMBUDSMAN ACT.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Definitions.

1 In this Act

- (a) "agency of the government" means any board, commission, association, or other body of persons, whether incorporated or unincorporated, all the members of which, or all the members of the board of management or board of directors of which,
 - (i) are appointed by an Act of the Legislature or by order of the Lieutenant Governor in Council, or
 - (ii) if not so appointed, in the discharge of their duties are public officers or servants of the Crown, or for the proper discharge of their duties are, directly or indirectly, responsible to the Crown;
- (b) "department" means a department or branch of the executive government of the province;
- (c) "minister" means a member of the Executive Council.
En. S.M., 1969, (2nd Sess.), c. 26, s. 1.

Appointment of Ombudsman.

- 2(1) The Lieutenant Governor in Council shall, on the recommendation of the Standing Committee of the Assembly on Privileges and Elections, appoint a Canadian citizen as Ombudsman for the Province of Manitoba.
Am. S.M. 1982, c. 51, s. 21.

Recommendations of committee on privileges and elections.

2(2) Where

- (a) the office of Ombudsman is vacant; or
- (b) the term of the Ombudsman in office will expire within 12 months; or
- (c) the Ombudsman has tendered his resignation to take effect within 12 months;

the President of the Executive Council shall convene a meeting of the Standing Committee of the Assembly on privileges and elections which shall consider persons suitable and available to be appointed as Ombudsman and shall make recommendations in respect thereto to the President of the Executive Council.
En. S.M. 1980, c. 22, s. 1.

Meeting of Standing Committee.

- 2(3) The Standing Committee of the Assembly on Privileges and Elections may, for the purposes of performing its functions under this section, meet during session of the Legislature or during recess after prorogation.
Am. S.M. 1982, c. 51, s. 21.
En. S.M. 1969, (2nd Sess.), c. 26, s. 2.
Am. S.M. 1980, c. 22, s. 1; S.M. 1982, c. 51, s. 21.

Officer of Legislature.

- 3(1) The Ombudsman is an officer of the Legislature and is not eligible to be nominated for, elected as, or sit as, a member of the assembly.

Restrictions on employment.

3(2) The Ombudsman shall not hold any other public office or carry on any trade, business, or profession.

En. S.M., 1969, (2nd Sess.), c. 26, s. 3.

Term of office.

4(1) Unless he sooner resigns, dies or is removed from office, the Ombudsman shall hold office for six years from the date of his appointment, and a person may be re-appointed for a second term of six years, but not for more than two terms of six years.

Resignation.

4(2) The Ombudsman may resign his office in writing addressed to the Speaker of the assembly, or, if there is no Speaker or the Speaker is absent, to the clerk of the assembly.

Ombudsman over 65.

4(3) Where the Ombudsman reaches 65 years of age during his term of office, notwithstanding section 54 of The Civil Service Superannuation Act, he is not required to retire from the office but he shall, for the purposes of that Act, be deemed to have retired and been re-employed by the government for the balance of his unexpired term of office and may apply for and be granted a deferred allowance under section 27 of that Act.

En. S.M. 1980, c. 22, s. 2.

En. S.M. 1969, (2nd Sess.), c. 26, s. 4.

Am. S.M. 1980, c. 22, s. 2.

Removal or suspension.

5 The Lieutenant Governor in Council, on a resolution of the assembly carried by a vote of two-thirds of the members of the assembly voting thereon, may remove the Ombudsman from office or suspend him.

En. S.M., 1969, (2nd Sess.), c. 26, s. 5.

Suspension when Legislature not sitting.

6(1) At any time the Legislature is not in session, the Lieutenant Governor in Council may suspend the Ombudsman for disability, neglect of duty, misconduct or bankruptcy proved to the satisfaction of the Lieutenant Governor in Council, but the suspension shall not continue in force beyond the end of the next ensuing session of the Legislature.

Acting Ombudsman.

6(2) Where the office of the Ombudsman is vacant, or the Ombudsman is suspended under subsection (1), the Lieutenant Governor in Council shall appoint an acting Ombudsman to hold office until another Ombudsman is appointed under section 2 or the suspension has been dealt with in the assembly.

En. S.M., 1969, (2nd Sess.), c. 26, s. 6.

Salary.

7(1) The Ombudsman shall be paid a salary fixed by the Lieutenant Governor in Council, which shall be charged to and paid out of the Consolidated Fund.

Reduction of salary.

7(2) The salary of the Ombudsman shall not be reduced except on resolution of the assembly carried by a vote of two-thirds of the members of the assembly voting thereon.

En. S.M., 1969, (2nd Sess.), c. 26, s. 7.

Expenses.

8 The Ombudsman shall be paid such travelling and out of pocket expenses incurred by him in the performance of his duties as may be approved by the Provincial Auditor.

En. S.M., 1969, (2nd Sess.), c. 26, s. 8.

Application of Civil Service Superannuation Act.

9(1) The Ombudsman, and all persons employed under him, are employees within the meaning of The Civil Service Superannuation Act.

Application of Civil Service Act.

9(2) The Ombudsman is not subject to The Civil Service Act except section 44 thereof which applies to him but he is entitled to the privileges and perquisites of office, including holidays, vacations, sick leave and severance pay, of a member of the civil service who is not covered by a collective agreement.

En. S.M. 1980, c. 22, s. 3.

Employees under Ombudsman.

9(3) The Civil Service Act applies to persons employed under the Ombudsman.

En. S.M. 1969, (2nd Sess.), c. 26, s. 9.

Am. S.M. 1980, c. 22, s. 3.

Oath of office.

10 Before beginning to perform his duties, the Ombudsman shall take an oath before the Speaker of the Assembly or the Clerk of the Assembly that he will faithfully and impartially perform the duties of his office and that he will not, except as herein provided, divulge any information received by him under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 10.

Oath of staff.

11 Every person employed under the Ombudsman shall, before he begins to perform the duties, take an oath before the Ombudsman that he will not, except as herein provided, divulge any information received by him under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 11.

Secrecy.

12(1) The Ombudsman and every person employed under him shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their duties or functions under this Act.

Disclosure in reports.

12(2) Notwithstanding subsection (1) or any oath taken under this Act, the Ombudsman may disclose in a report made by him under this Act any matters which he considers necessary to disclose in order to establish grounds for his conclusions and recommendations.

En. S.M., 1969, (2nd Sess.), c. 26, s. 12.

Powers under Part V of Evidence Act.

13 The Ombudsman has the protection and powers of a commissioner appointed under Part V of The Manitoba Evidence Act; but section 87 of The Manitoba Evidence Act does not apply to the Ombudsman and no notice of appointment, of the purpose and scope of inquiries to be made by the Ombudsman, or of the time and place of the holding of any hearing or inquiry by the Ombudsman, need be published as required under section 88 of The Manitoba Evidence Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 13.

Delegation.

14(1) The Ombudsman may in writing delegate to any person any of his powers under this Act except the power of delegation under this section and the power to make a report under this Act.

Evidence of delegation.

14(2) A person purporting to exercise the power of the Ombudsman by virtue of the delegation under subsection (1) shall produce evidence of his authority to exercise that power when required to do so.

En. S.M., 1969, (2nd Sess.), c. 26, s. 14.

Investigations.

15 The Ombudsman may, on a written complaint or on his own initiative, investigate any decision or recommendation made, including any recommendation made to a minister, or any act done or omitted, relating to a matter of administration in or by any department or agency of the government, or by any officer, employee or member thereof, whereby any person is or may be aggrieved.

En. S.M., 1969, (2nd Sess.), c. 26, s. 15.

Reference by committees of assembly.

16(1) A committee of the assembly may at any time refer to the Ombudsman, for investigation and report by him, any petition or matter that is before that committee for consideration; and the Ombudsman shall

- (a) subject to any special directions of the committee, investigate the petition or matter referred to him so far as it is within his jurisdiction; and
- (b) make such report to the committee as he thinks fit.

Reference by Lieutenant Governor in Council.

16(2) The Lieutenant Governor in Council may at any time refer to the Ombudsman, for investigation and report by him, any matter relating to administration in or by any department or agency of the government, or by any officer, employee or member thereof; and the Ombudsman shall,

- (a) subject to any special direction of the Lieutenant Governor in Council, investigate the matter referred to him so far as it is within his jurisdiction; and
- (b) make such report to the Lieutenant Governor in Council as he thinks fit.

En. S.M., 1969, (2nd Sess.), c. 26, s. 16.

Exercise of powers, etc.

17 The Ombudsman may exercise and perform the powers, duties and functions conferred or imposed on him under this Act notwithstanding any provision of any other Act of the Legislature

- (a) that any decision, recommendation, act or omission that he is investigating is final; or
- (b) that no appeal lies in respect thereof; or
- (c) that no proceeding or decision of the department, agency of the government, officer, employee, or person whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question.

En. S.M., 1969, (2nd Sess.), c. 26, s. 17.

Restriction on jurisdiction.

- 18** Nothing in this Act authorizes the Ombudsman to investigate
- (a) any decision, recommendation, act, order or omission of the Legislature, the assembly, the Lieutenant Governor, a committee of the assembly, the Lieutenant Governor in Council, the Executive Council, or a committee of the Executive Council; or
 - (b) any order, decision or omission of a court, a judge of a court, a referee or master of a court, a magistrate or a justice of the peace made or given in any action or proceeding in the court, or before the judge, referee, master, magistrate or justice of the peace; or
 - (c) any award, decision, recommendation or omission of an arbitrator or board of arbitrators in an arbitration to which The Arbitration Act applies; or
 - (d) any decision, recommendation, act or omission in respect of which there is, under any Act a right of appeal or objection or a right to apply for a review on the merits of the case to any court or tribunal constituted by or under an Act of the Legislature, whether or not that right of appeal, objection or application has been exercised in the particular case and whether or not any time prescribed for the exercise of that right has expired, unless the Ombudsman is satisfied that in the particular case it would have been unreasonable to expect the complainant to resort to the tribunal or court, but in that case investigation shall not commence until after the time prescribed for the exercise of that right to appeal, object or apply, has expired.

En. S.M., 1969, (2nd Sess.), c. 26, s. 18.

Restriction on investigation by minister.

19(1) Where the Attorney-General certifies in writing to the Ombudsman that the investigation of a matter would be contrary to the public interest under the circumstances, the Ombudsman shall not investigate that matter, or, if he has commenced an investigation of that matter, he shall discontinue the investigation.

Report of certificate.

19(2) Where a certificate is given under subsection (1), the Ombudsman shall include that fact and a brief description of the circumstances of the matter in his next annual report to the assembly.

En. S.M., 1969, (2nd Sess.), c. 26, s. 19.

Questions relating to jurisdiction.

20 Where a question arises as to the jurisdiction of the Ombudsman to investigate any case or class of cases under this Act, he may apply to the Court of Queen's Bench for a declaratory order determining the question.

En. S.M., 1969, (2nd Sess.), c. 26, s. 20.

Complaints in writing.

21 Every complaint to the Ombudsman shall be made in writing.

En. S.M., 1969, (2nd Sess.), c. 26, s. 21.

Privacy of communication to Ombudsman.

22 Notwithstanding any Act, where a letter written by a person in custody on a charge or after conviction for an offence, or by an inmate in any hospital, mental hospital, home or institution operated by or under the direction of the government, or by any person in custody of another person for any other reason, is addressed to the

Ombudsman, it shall be forwarded immediately, unopened, to the Ombudsman by the person for the time being in charge of the place or institution where the writer of the letter is detained or in which he is an inmate, or by the person having custody of the writer.

En. S.M., 1969, (2nd Sess.), c. 26, s. 22.

Refusal to investigate.

23(1) The Ombudsman, in his discretion, may refuse to investigate or may cease to investigate a complaint if

- (a) it relates to any decision, recommendation, act or omission of which the complainant has had knowledge for more than one year before the complaint is received by the Ombudsman; or
- (b) in his opinion it is frivolous or vexatious or not made in good faith or concerns a trivial matter; or
- (c) in his opinion, upon a balance between the public interest and the person aggrieved, it should not be investigated or the investigation should not be continued; or
- (d) in his opinion the circumstances of the case do not require investigation.

Limitation on review of discretionary powers.

23(2) Where, in the course of or after an investigation of any decision, act or omission, done or omitted by a department or agency of the government, or any officer or employee thereof in the exercise of a discretion vested in that department, agency, officer, or employee, the Ombudsman is satisfied that the decision, act or omission is not clearly wrong or unreasonable, the Ombudsman shall make no further investigation of the matter and shall report to the complainant that he is so satisfied.

En. S.M., 1969, (2nd Sess.), c. 26, s. 23.

Report of refusal to investigate.

24 Where the Ombudsman decides not to investigate or to cease investigating a complaint he shall inform the complainant, and any other interested person, of his decision.

En. S.M., 1969, (2nd Sess.), c. 26, s. 24.

Notice of investigation.

25 Before investigating a complaint, the Ombudsman shall inform the deputy minister or the administrative head of the department or agency of the government affected of his intention to make the investigation.

En. S.M., 1969, (2nd Sess.), c. 26, s. 25.

Private investigations.

26 Every investigation by the Ombudsman under this Act shall be conducted in private.

En. S.M., 1969, (2nd Sess.), c. 26, s. 26.

Hearings.

27 The Ombudsman may hold hearings and hear or obtain information from any person and make inquiries as he thinks fit.

En. S.M., 1969, (2nd Sess.), c. 26, s. 27.

Right to be heard.

28 The Ombudsman is not required to hold a hearing and no person is entitled, as of right, to be heard by the Ombudsman; but, if at any time it appears to the Ombudsman that there is sufficient grounds for his making a report or recommendation in respect of any matter that may adversely affect any department, agency of the government, or person, he shall give to that department, agency, or person, an opportunity to make representations in respect of the matter, and the department, agency, or person may make representations in respect of the matter by counsel.

En. S.M., 1969, (2nd Sess.), c. 26, s. 28.

Consultation with minister.

29(1) The Ombudsman may, at any time during or after an investigation, consult any minister who is concerned in the matter of the investigation.

Reference to deputy minister.

29(2) Where, during or after an investigation, the Ombudsman is of the opinion that there is evidence of a breach of duty or misconduct by a department or agency of the government or any officer or employee thereof, he shall refer the matter to the deputy minister or administrative head of the department or agency of the government.

En. S.M., 1969, (2nd Sess.), c. 26, s. 29.

Evidence.

30(1) Subject to section 31, the Ombudsman may require any person who, in his opinion, is able to give any information relating to any matter being investigated by him

- (a) to furnish the information to him; and
- (b) to produce any document, paper or thing that in his opinion relates to the matter being investigated and that may be in the possession or under the control of that person;

whether or not that person is an officer, employee or member of the department or agency of the government and whether or not the document, paper or thing is in the custody or under the control of a department or agency of the government.

Examination on oath.

30(2) The Ombudsman may summon before him and examine on oath

- (a) any person who is an officer or employee or member of any department or agency of the government and who in the opinion of the Ombudsman is able to give any information relating to any matter being investigated by him;
- (b) any complainant; and
- (c) any other person who in the opinion of the Ombudsman is able to give any information relating to any matter being investigated by him.

En. S.M., 1969, (2nd Sess.), c. 26, s. 30.

Restrictions on disclosures.

31 Where the Attorney-General certifies that the giving of any information or the answering of any question or the production of any document, paper or thing might involve the disclosure of

- (a) the deliberations of the Lieutenant Governor in Council, the Executive Council, or any committee thereof; or
- (b) proceedings of the Lieutenant Governor in Council, the Executive Council, or any committee thereof; or

- (c) matters of a secret or confidential nature, or the disclosure of which would be injurious to the public interest;

the Ombudsman shall not require the information or answer to be given or the document, paper or thing to be produced, but shall report the giving of the certificate and the matter in respect of which it was given in his next annual report to the assembly.

En. S.M., 1969, (2nd Sess.), c. 26, s. 31.

Application of certain rules.

32(1) Subject to section 31, a rule of law that authorizes or requires the withholding of any document, paper or thing, or the refusal to answer any question, on the ground that the disclosure or answering would be injurious to the public interest does not apply in respect of any investigation by or proceedings before the Ombudsman.

Provisions relating to secrecy.

32(2) Subject to section 31, no provision of any Act of the Legislature requiring a person to maintain secrecy in relation to, or not to disclose information relating to, any matter shall apply in respect of an investigation by the Ombudsman; and no person required by the Ombudsman to furnish information or to produce any document, paper or thing or summoned by the Ombudsman to give evidence, shall refuse to furnish the information, produce the document, paper or thing, or to answer questions on the ground of any such provision.

Am. S.M. 1979, c. 28, s. 28.

En. S.M. 1969, (2nd Sess.), c. 26, s. 32.

Am. S.M. 1979, c. 28, s. 28.

Admissibility of evidence.

33 Except on the trial of a person for perjury, no statement made, or answer or evidence given by that or any other person in the course of an investigation by or any proceedings before the Ombudsman is admissible in evidence against any person in any court or at any inquiry or in any other proceedings, and no evidence respecting proceedings before the Ombudsman shall be given against any person.

En. S.M., 1969, (2nd Sess.), c. 26, s. 33.

Defence for certain offences.

34 No person is guilty of an offence against any other Act of the Legislature by reason of his compliance with any request or requirement of the Ombudsman to furnish information or produce any document, paper or thing, or by reason of answering any question in any investigation of the Ombudsman.

En. S.M., 1969, (2nd Sess.), c. 26, s. 34.

Right of entry.

35(1) For the purposes of this Act, the Ombudsman may at any time enter upon the premises occupied by any department or agency of the government and, subject to section 31, carry out therein any investigation within his jurisdiction.

Notice of entry.

35(2) Upon entering any premises under subsection (1), the Ombudsman shall notify the deputy minister or administrative head of the department or agency of the government that occupies the premises.

En. S.M., 1969, (2nd Sess.), c. 26, s. 35.

Report on investigation.

36(1) Where, after making an investigation under this Act, the Ombudsman is of opinion

- (a) that a decision, recommendation, act or omission that is the subject matter of the investigation appears to have been
 - (i) contrary to law, or
 - (ii) unreasonable, or
 - (iii) unjust, or
 - (iv) oppressive, or
 - (v) improperly discriminatory, or
 - (vi) in accordance with a practice or procedure that is or may be unreasonable, unjust, oppressive, or improperly discriminatory, or
 - (vii) based wholly or partly on a mistake of law or fact, or
 - (viii) wrong; or
- (b) that in making a decision or recommendation, or in doing or omitting an act, a power or right has been exercised
 - (i) for an improper purpose, or
 - (ii) on irrelevant grounds, or
 - (iii) on the taking into account of irrelevant considerations; or
- (c) that reasons should have been given for a decision, recommendation, act or omission that was the subject matter of the investigation;

the Ombudsman shall report his opinion and his reasons therefor to the appropriate minister and to the department or agency of the government concerned, and may make such recommendations as he thinks fit.

Nature of recommendations.

36(2) Without limiting the generality of subsection (1), in making a report under subsection (1), the Ombudsman may recommend

- (a) that a matter should be referred to the appropriate authority for further consideration; or
- (b) that an omission should be rectified; or
- (c) that a decision should be cancelled or varied; or
- (d) that any practice on which a decision, recommendation, act or omission was based should be altered or reviewed; or
- (e) that any law on which a decision, recommendation, act or omission was based should be reconsidered; or
- (f) that reasons should be given for any decision, recommendation, act or omission; or
- (g) that any other steps should be taken.

En. S.M., 1969, (2nd Sess.), c. 26, s. 36.

Notice of proposed steps.

37(1) Where the Ombudsman makes a recommendation under section 36, he may request the department or agency of the government to notify him within a specified time of the steps that it has taken or proposes to take to give effect to his recommendations.

Further report on recommendations.

37(2) If within a reasonable time after a request respecting recommendations is made under this section, no action is taken which seems to the Ombudsman to be adequate and appropriate, the Ombudsman, in his discretion, after considering the comments, if any, made by or on behalf of the department or agency of the government affected, may report the matter, including a copy of the report containing the recommendations, to the Lieutenant Governor in Council, and may thereafter mention the report in his next annual report to the assembly.

Comments included in report.

37(3) Any report made under subsection (2) shall include any comments made by or on behalf of the department or agency of the government upon the opinion or recommendation of the Ombudsman.

En. S.M., 1969, (2nd Sess.), c. 26, s. 37.

Report to complainant.

38 Where the Ombudsman makes an investigation on the basis of a complaint received by him, he shall report to the complainant, in such manner and at such time as he thinks proper, the result of the investigation.

En. S.M., 1969, (2nd Sess.), c. 26, s. 38.

Review of Ombudsman's decision.

39 No proceeding of the Ombudsman is void for want of form and, except on the ground of lack of jurisdiction, no proceedings or decisions of the Ombudsman shall be challenged, reviewed, quashed or called in question in any court.

En. S.M., 1969, (2nd Sess.), c. 26, s. 39.

Proceedings against Ombudsman prohibited.

40 No proceedings lie against the Ombudsman or against any person employed under him for anything he may do or report or say in the course of the exercise or performance, or intended exercise or performance of his functions and duties under this Act, unless it is shown he acted in bad faith.

En. S.M., 1969, (2nd Sess.), c. 26, s. 40.

Ombudsman not to be called as witness.

41 The Ombudsman and any person employed under him shall not be called to give evidence in any court or in any proceedings of a judicial nature in respect of anything coming to his knowledge in the exercise or performance of his functions and duties under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 41.

Annual report to Legislature.

42 The Ombudsman shall report annually to the assembly through the Speaker on the exercise and performance of his functions and duties under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 42.

Publication of reports.

43 In the public interest, or in the interest of a person, department or agency of the government, the Ombudsman may publish reports relating generally to the exercise and performance of his functions and duties under this Act or to any particular case investigated by him, whether or not the matters to be dealt with in the report have been the subject of the report made to the assembly under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 43.

Rules.

44(1) The assembly may make general rules for the guidance of the Ombudsman in the exercise and performance of his functions and duties under this Act.

Procedure of Ombudsman.

44(2) Subject to this Act and any rules made under subsection (1), the Ombudsman may determine his procedure.

En. S.M., 1969, (2nd Sess.), c. 26, s. 44.

Offence and penalty.

45 Every person who

- (a) without lawful justification or excuse wilfully obstructs, hinders, or resists the Ombudsman or any other person in the exercise or performance of his functions and duties under this Act; or
- (b) without lawful justification or excuse refuses or wilfully fails to comply with any lawful requirement of the Ombudsman or any other person under this Act; or
- (c) wilfully makes any false statement to or misleads or attempts to mislead the Ombudsman or any other person in the exercise or performance of his functions and duties under this Act;

is guilty of an offence and liable, on summary conviction, to a fine of not more than five hundred dollars or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

En. S.M., 1969, (2nd Sess.), c. 26, s. 45.

Additional remedies.

46 The provisions of this Act are in addition to the provisions of any other Act or rule of law under which any remedy or right of appeal or objection is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act limits or affects any such remedy or right of appeal or objection or procedure.

En. S.M., 1969, (2nd Sess.), c. 26, s. 46.